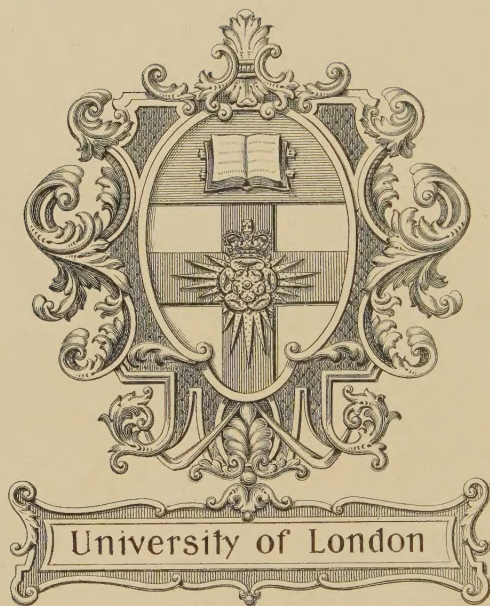


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A

B I L L

To prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and make Provisions for the Safety of Persons working therein.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

- W**HEREAS it is unfit that Women and Girls should be employed in any Mine or Colliery, and it is expedient to make regulations regarding the employment of Boys in Mines and Collieries, and to make provisions for the safety of persons working therein;
- 5 **B**E it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after *One*
- 10 *calendar Month* from the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery whatsoever to employ any Female person within any Mine or Colliery, or permit any Female person to work or be therein other than such as were at or before the passing of this Act employed within some Mine or Colliery; and that from and
- 15 after *Three* calendar Months from the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery to employ any Female person under the age of *Eighteen* Years within any Mine or Colliery, or permit such person to work or be therein; and any indentures of apprenticeship whereby any Female person, who at the *passing of this*
- 20 *Act* was under the age of *Eighteen* Years, shall be bound to work or be liable to be called on to work in any Mine or Colliery, shall at the expiration of *Three* calendar Months from the passing of this Act be absolutely void; and from and after *Six* calendar Months from the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery to employ any Female person within any Mine or Colliery
298. whatsoever,

Preamble.

1.
Females not
to be em-
ployed in
Mines or
Collieries.

whatsoever, or to allow or permit any Female person to work or be therein ; and every indenture of apprenticeship, or other contract or engagement, whereby any Female person whatsoever shall be bound to work or be liable to be called on to work within any Mine or Colliery, (other than such indentures of apprenticeship as are before declared to be void at the end of *Three* calendar Months as aforesaid), shall from and after the expiration of *Six* calendar Months from the passing of this Act be absolutely void. 5

2.

Males not to be employed in Mines or Collieries under *Thirteen* Years of age.

And be it Enacted, That from and after *One calendar Month* from the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery to employ any Male person under the age of *Thirteen* Years within any Mine or Colliery, or to permit any such Male person to work or be therein, other than such as were at or before the passing of this Act employed within some Mine or Colliery ; and from and after the expiration of *Three* calendar Months from the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery to employ any Male person whatsoever under the age of *Thirteen* Years within any Mine or Colliery, or to permit such person to work or be therein ; and every indenture of apprenticeship entered into before the passing of this Act, whereby any Male person shall be bound to work, or be liable to be called on to work within any Mine or Colliery, shall, at the expiration of *Three* calendar Months from the passing of this Act be absolutely void. 10 15 20

3.

Persons not to be apprenticed to work in Mines or Collieries.

And be it Enacted, That from and after the *passing of this Act*, no person or persons shall take any apprentice who shall be bound to work or be liable to be called on to work, or be otherwise occupied within a Mine or Colliery, and every indenture of apprenticeship whereby any person shall be so bound shall be void. 25

4.

Penalties for Offences against the Act.

And be it Enacted, That every person or persons, body or company offending against any of the aforesaid provisions, shall forfeit a sum not more than *Ten Pounds*, nor less than *Five Pounds*, for every person employed or suffered to be in a Mine or Colliery contrary to the aforesaid provisions, to be sued for and recovered as after mentioned. 30

5.

Where there are vertical Shafts, Steam-engines and other Engines, to be under the care of competent persons.

And be it Enacted, That where there shall be any entrance to a Mine or Colliery by means of a vertical shaft or pit, or where there shall be any communication within any part of a Mine or Colliery to any other part thereof by a vertical shaft or pit, then it shall not be lawful for any Owner of any Mine or Colliery to allow any person or persons other than a Male of the age of *Twenty-one* Years and upwards, and under the age of *Fifty* Years, to have any charge of any steam-engine or any other engine, windlass or gin (and whether driven or worked by manual labour, or any other power whatsoever), or to have any charge of 35 40 of

of any part of the machinery, ropes, chains or other tackle of any such engine, by or by means of which engine, machinery, ropes, chains or other tackle, persons are brought up or passed down any such vertical shaft or pit; and any person or persons offending against the provision last aforesaid shall for every such offence forfeit a sum not exceeding *Fifty Pounds*, nor less than *Twenty Pounds*, to be recovered as after provided.

And be it Enacted, That the term "Mine" shall be taken to include all Mines, and the term "Colliery," all Collieries, within any part of the United Kingdom of Great Britain and Ireland, and also any gallery, underground road or passage connected therewith, or leading thereto, other than and except any Mine or Colliery, the contents whereof are obtained from the surface and open to the light of day, as in a quarry, without any working underground.

And be it Enacted, That from and after the expiration of *Six* calendar Months from the passing of this Act, a board shall be fixed within *Twenty* Feet from the principal entrance, or some one of the principal entrances, of every Mine and Colliery, on which shall be painted in legible characters an Abstract of this Act, in the form and manner set forth in the Schedule hereunto annexed; and so often as any part of the said Abstract shall be defaced, it shall be renewed, so that every part thereof shall at all times be distinctly legible; and any person or persons offending against the provision last aforesaid shall for every such offence forfeit a sum not exceeding *Five Pounds*, nor less than *Two Pounds*, to be recovered as after provided.

And be it Enacted, That if any offence shall be committed against this Act, for which the Owner of any Mine or Colliery is legally responsible, and it shall appear to the satisfaction of any Justices, Sheriff or Stewart, that the offence has been committed without the personal consent, concurrence or knowledge of such Owner, by or under the authority of some agent or servant or workman of such Owner, it shall be lawful for such Justices, Sheriff or Stewart to summon such agent or servant or workman before them or him to answer for such offence; and such agent or servant or workman, if convicted, shall be liable to the penalties and punishment for such offence herein specified; and such Justices, Sheriff or Stewart may convict such agent or servant or workman in lieu of such Owner.

And be it Enacted, That the "Owner" of a Mine or Colliery shall be taken to mean the proprietor or lessee or occupier thereof, and all persons working any Mine or Colliery, or any part of any Mine or Colliery, or any lode or seam thereof respectively, for their own benefit, or as sharers of the profit, and also all partners and companies so

6.
Construction
of Terms.

7.
Abstract of
Act to be
painted at
entrance of
Mines and
Collieries.

8.
Agents may
be summoned
for acting
contrary to
the Act with-
out the know-
ledge of
Owners.

9.
Definition
of terms
"Owner"
and "Agent."

working such Mine or Colliery, or any part thereof; and the words "agent" and "servant" shall be taken to mean any person receiving a salary, wages, payment or remuneration for any description of service or work performed in a Mine or Colliery.

10.
Summonses
need not set
forth Names
of all the
Proprietors,
in cases of
partnership.

And be it Enacted, That it shall not be necessary, in any information, 5
summons or warrant issued under or in consequence of the provisions
of this Act, to set forth the name or other designation of all the
partners in any Mine or Colliery, or in the working of any such Mine
or Colliery, but that it shall be sufficient to insert in any such infor-
mation, summons or warrant the name of the ostensible proprietor, 10
occupier, lessee or adventurer, or title of the firm or company by which
the owners, lessees or workers of such Mine or Colliery are usually
designated and known.

11.
Recovery and
application of
Penalties.

And be it Enacted, That all convictions for penalties for any offence
against this Act may be had before Two or more Justices of the Peace 15
acting for the county, riding, city, borough, division or place where
the offence shall happen, or before the Sheriff or Stewart of any county
or stewartry in Scotland, within which the offence may have been com-
mitted; and such penalties, and the costs and charges attending the
recovery thereof, shall be levied by distress and sale of the goods and 20
chattels of the offender or person liable or ordered to pay the same
respectively, by warrant under the hands and seals of Two or more of
the said Justices, or under the hand of any such Sheriff or Stewart,
rendering the overplus of such distress and sale (if any) to the party 25
or parties, after deducting the charge of making the same, which war-
rant such Justices or Sheriffs or Stewarts are hereby empowered and
required to grant upon conviction of the offender, by confession or
oath of One or more credible witness or witnesses; and the penalties,
costs and charges, when so levied, shall be paid, the *One-half* to the
informer and the other Half to the overseers or managers of the poor 30
of the parish, township or place where the offender shall dwell and
inhabit, to be by such overseers or managers applied in aid of the
rate or assessment raised for the relief of the poor of such parish,
township or place, and in Scotland, in parishes where there shall be no
assessment for the relief of the poor, as the said managers shall direct, 35
or to Her Majesty, in case there shall be no such overseer or manager.

12.
Persons not
paying Penal-
ties may be
imprisoned.

And be it Enacted, That the Justices of the Peace or Sheriffs or
Stewarts by whom any person shall be convicted and adjudged to pay
any sum of money for any offence against this Act, may adjudge that
such person shall pay the same, together with costs, either immediately 40
or within such period as the said Justices shall think fit; and that in
default of payment at the time appointed, such person shall be im-
prisoned in the common gaol or house of correction (with or without
hard

hard labour), as to the said Justices or Sheriffs or Stewarts shall seem meet, for any time not exceeding Two calendar Months, the commitment to be determinable upon payment of the amount of the penalty and costs.

- 5 And be it Enacted, That no inhabitant of any parish, township or place shall be deemed an incompetent witness in any suit, action, information, complaint, appeal, prosecution or proceeding to be had, made, prosecuted or carried on under the authority of this Act for any offence committed within such parish, township or place, by reason of such
10 person being rated or assessed to, or liable to be rated or assessed to, or being otherwise interested in, the rates or assessments of any such parish, township or place.

13.
Inhabitants
of Parishes
not incom-
petent as
Witnesses.

- And be it Enacted, That where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress
15 itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers from the beginning on account of any irregularity which shall be afterwards
20 done by the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case, to be brought in some of the Courts of Record at Westminster or Dublin, or by action raised or complaint preferred in the Court of Session in Scotland: Provided
25 always, That no plaintiff or plaintiffs shall recover in any action for any such irregularity, trespass or wrongful proceeding, if tender of sufficient amends for any such special damage shall be made by or on behalf of the party or parties who shall have committed, or cause to have been committed, any such irregularity or wrongful proceeding before such
30 action or complaint brought; and in case no such tender shall have been made, it shall be lawful for the defendant or defendants in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he or they shall see fit; whereupon such proceedings or orders and judgments shall be had, made and given in and by such Court as in other
35 actions where the defendant is allowed to pay money into Court.

14.
Distress not
unlawful for
want of
form.

- And be it Enacted, That any person who shall think himself or herself aggrieved by any conviction by any Justice or Justices of the Peace under this Act, may appeal to the next Court of General or Quarter
40 Sessions of the Peace, which shall be holden not less than Twelve Days after the day of such conviction, for the county, stewartry, riding, city, borough, division or place wherein the cause of complaint shall have arisen, provided that such person shall give to the complainant a notice

15.
Appeal to
Quarter
Sessions.

in writing of such appeal, and of the cause and matter thereof, within *Three Days* after such conviction, and *Seven* clear Days at the least before such Session, and shall also either remain in custody until the Session, or enter into a recognizance with Two sufficient sureties before a Justice of the Peace conditioned personally to appear at the said Session of the Peace and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such person, if in custody; and the Court at such Session shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal or affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment; and all judgments, determinations and proceedings of such Justices not appealed from as aforesaid, and of such Sheriff or Stewart or Quarter Sessions, shall be final, and not subject to review by any process of law or court whatever, any law or usage to the contrary notwithstanding.

16.

Convictions
not removable
by Certiorari.

And be it Enacted, That no conviction or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by Certiorari or otherwise, into any of Her Majesty's Superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

17.

Act may be
amended or
repealed.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE.

FORM of NOTICE to be fixed up at the Entrance of every Mine or Colliery.

THE following Abstract of this Act shall be painted in oil on a board in black letters on a white ground, or in white letters on a black ground ; and no letter shall be less than Three-quarters of an Inch in height ; and the board shall be fixed up at a height not less than Six Feet from the ground.

BY ACT OF PARLIAMENT, VICTORIA, c.

It is unlawful to employ any Woman or Girl in a Mine or Colliery :
Penalty

It is unlawful to employ any Boy under Fourteen years of age in a Mine or Colliery : Penalty

It is unlawful for any other person than a Man between *Twenty-one* and *Fifty* years of age to have any charge of the Machinery by which persons are let down into or are brought up from a Mine or Colliery :
Penalty

Every Indenture of Apprenticeship becomes null and void if the Apprentice is allowed to work in a Mine or Colliery.

Mines and Collieries.

A

B I L L

To prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and make Provisions for the Safety of Persons working therein.

(Prepared and brought in by
*Lord Ashley, Mr. Fox Maule, and
Mr. Brotherton.*)

*Ordered, by The House of Commons, to be Printed,
7 June 1842.*

298.

Under 1 oz.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and make Provisions for the Safety of Persons working therein.

[N. B.—*The Clauses marked (A.) and (B.) were added by the Committee.*]

WHEREAS it is unfit that Women and Girls should be employed in any Mine or Colliery, and it is expedient to make regulations regarding the employment of Boys in Mines and Collieries, and to make provisions for the safety of persons working therein;

Preamble.

5 **B**E it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery
10 whatsoever to employ any Female person within any Mine or Colliery, or permit any Female person to work or be therein other than such as were at or before the passing of this Act employed within some Mine or Colliery; and that from and after Three calendar Months from the passing of this Act, it shall not be lawful for any Owner of any Mine
15 or Colliery to employ any Female person, who at the passing of this Act shall be under the age of Eighteen Years within any Mine or Colliery, or permit such person to work or be therein; and any indentures of apprenticeship whereby any Female person, who at the passing of this Act was under the age of Eighteen Years, shall be bound to
20 work or be liable to be called on to work in any Mine or Colliery, shall at the expiration of Three calendar Months from the passing of this Act be absolutely void; and from and after Six calendar Months from the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery to employ any Female person whatsoever within

1.

Females not to be employed in Mines or Collieries.

any Mine or Colliery, or to allow or permit any Female person to work or be therein ; and every indenture of apprenticeship, or other contract or engagement, whereby any Female person whatsoever shall be bound to work or be liable to be called on to work within any Mine or Colliery, (other than such as are before declared to be void at the end of Three calendar Months as aforesaid), shall from and after the expiration of Six calendar Months from the passing of this Act be absolutely void. 5

2.

Males not to be employed in Mines or Collieries under Ten Years of age.

And be it Enacted, That from and after the passing of this Act, it shall not be lawful for any Owner of any Mine or Colliery to employ any Male person under the age of Ten Years within any Mine or Colliery, or to permit any such Male person to work or be therein, other than such as at the passing of this Act shall have attained the age of Nine Years, and were at or before the passing of this Act employed within some Mine or Colliery ; and every indenture of apprenticeship entered into before the passing of this Act, whereby any Male person shall be bound to work, or be liable to be called on to work within any Mine or Colliery, shall, at the expiration of Three calendar Months from the passing of this Act be absolutely void. 10 15

3.

CLAUSE (A.)
Regulating the time of employment of Male persons under Thirteen Years.

And be it Enacted, That no Male person under the age of Thirteen Years shall, after the expiration of One calendar Month from the passing of this Act, be employed within any Mine or Colliery for more than Twelve Hours in any one day, nor for more than Three Days in any one week, nor for any two consecutive days ; nor shall any such Male person be employed during one and the same week in more than one Mine or Colliery, unless the different Mines or Collieries in which he shall be employed shall belong to the same Owner. 20 25

4.

CLAUSE (B.)
Appointment of Inspectors of Mines and Collieries.

And be it Enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, if and when he shall think fit, to appoint any proper person or persons to inspect any Mine or Colliery ; and it shall be lawful for every person so authorized to enter and examine any Mine or Colliery, and the works, buildings and machinery belonging thereto, at all times and seasons, by day or by night, and to make inquiry touching any matter within the provisions of this Act ; and every person to be so appointed shall report his proceedings in the execution of this Act in such manner as may be directed by the Secretary of State ; and he shall in like manner report the state and condition of the Mine or Colliery he shall inspect, and of the persons working therein, and whether or not the provisions of this Act are properly observed in the Mine or Colliery which he shall so inspect. 30 35

5.

Persons not to be apprenticed to work in Mines or Collieries.

And be it Enacted, That from and after the passing of this Act, no person or persons shall take any apprentice who shall be bound to work or be liable to be called on to work, or be otherwise occupied within a Mine 40

Mine or Colliery, and every indenture of apprenticeship whereby any person shall be so bound shall be void.

6.

Penalties
for Offences
against the
Act.

And be it Enacted, That every person or persons, body or company offending against any of the aforesaid provisions, shall forfeit a sum not
5 more than Ten Pounds, nor less than Five Pounds, for every person employed or suffered to be in a Mine or Colliery contrary to the aforesaid provisions, to be sued for and recovered as after mentioned.

7.

Where there
are vertical or
other Shafts,
Steam and
other Engines,
to be under
the care of
competent
persons.

And be it Enacted, That where there shall be any entrance to a Mine or Colliery by means of a vertical shaft or pit, or inclined plane,
10 or where there shall be any communication within any part of a Mine or Colliery to any other part thereof by a vertical shaft or pit, or inclined plane, then it shall not be lawful for any Owner of any such Mine or Colliery to allow any person or persons other than a Male of the age of Twenty-one Years and upwards, to have charge of any
15 steam-engine or other engine, windlass or gin (whether driven or worked by manual labour, or any other power whatsoever), or to have charge of any part of the machinery, ropes, chains or other tackle of any such engine, by or by means of which engine, machinery, ropes, chains or other tackle, persons are brought up or passed down any such vertical
20 shaft or pit or inclined plane; and any person or persons offending against the provision last aforesaid shall for every such offence forfeit a sum not exceeding Fifty Pounds, nor less than Twenty Pounds, to be recovered as after provided.

8.

Not to affect
persons em-
ployed above-
ground.

And be it Enacted, That nothing herein contained shall prevent any
25 person whatever from being employed in or about any Mine or Colliery so as such employment shall be carried on above-ground.

9.

Abstract of
Act to be
painted at
entrance of
Mines and
Collieries.

And be it Enacted, That from and after the expiration of Six calendar Months from the passing of this Act, a board shall be fixed within Twenty Feet from the principal entrance, or some one of the principal
30 entrances, of every Mine and Colliery, on which shall be painted in legible characters an Abstract of this Act, in the form and manner set forth in the Schedule hereunto annexed; and so often as any part of the said Abstract shall be defaced, it shall be renewed, so that every part thereof shall at all times be distinctly legible; and any person or
35 persons offending against the provision last aforesaid shall for every such offence forfeit a sum not exceeding Five Pounds, nor less than Two Pounds, to be recovered as after provided.

10.

Agents may
be summoned
for acting
contrary to
the Act with-
out the know-
ledge of
Owners.

And be it Enacted, That if any offence shall be committed against this Act, for which the Owner of any Mine or Colliery is hereby made
40 responsible, and it shall be made to appear to the satisfaction of any Justices, Sheriff or Stewart, that the offence has been committed by or under the authority of some agent, servant or workman of such

Owner, or by or under the authority of a contractor, without the personal consent, concurrence or knowledge of such Owner, it shall be lawful for such Justices, Sheriff or Stewart to summon such agent, servant, workman or contractor before them or him to answer for such offence ; and such agent, servant, workman or contractor, if convicted, shall be liable to the penalties and punishment for such offence herein specified ; and such Justices, Sheriff or Stewart may convict such agent, servant, workman or contractor in lieu of such Owner. 5

11.
Definition
of terms
" Owner "
and " Agent."

And be it Enacted, That the " Owner " of a Mine or Colliery shall be taken to mean the proprietor or lessee or occupier thereof, and all persons working any Mine or Colliery, or any part of any Mine or Colliery, or any lode or seam thereof, for their own benefit, or as sharers of the profit, and also all partners and companies so working such Mine or Colliery, or any part thereof ; and the words " agent " and " servant " shall be taken to mean any person receiving a salary, wages, payment or remuneration for any description of service or work performed in a Mine or Colliery. 10 15

12.
Summonses
need not set
forth Names
of all the
Proprietors,
in cases of
partnership

And be it Enacted, That it shall not be necessary, in any information, summons or warrant issued under or in consequence of the provisions of this Act, to set forth the name or other designation of all the partners in any Mine or Colliery, or in the working of any such Mine or Colliery, but that it shall be sufficient to insert in any such information, summons or warrant the name of the ostensible proprietor, occupier, lessee or adventurer, or title of the firm or company by which the owners, lessees or workers of such Mine or Colliery are usually designated and known. 20 25

13.
Recovery and
application of
Penalties.

And be it Enacted, That all convictions for penalties for any offence against this Act may be had before Two or more Justices of the Peace acting for the county, riding, city, borough, division or place where the offence shall happen, or before the Sheriff or Stewart of any county or stewartry in Scotland, within which the offence may have been committed ; and such penalties, and the costs and charges attending the recovery thereof, shall be levied by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands and seals of Two or more of the said Justices, or under the hand of any such Sheriff or Stewart, rendering the overplus of such distress and sale (if any) to the party or parties, after deducting the charge of making the same, which warrant such Justices or Sheriffs or Stewarts are hereby empowered and required to grant upon conviction of the offender, by confession or oath of One or more credible witness or witnesses ; and the penalties, costs and charges, when so levied, shall be paid, the One-half to the informer and the other Half to the overseers or managers of the poor of the parish, township or place where the offence shall have been committed, 30 35 40

committed, to be by such overseers or managers applied in aid of the rate or assessment raised for the relief of the poor of such parish, township or place, and in Scotland, in parishes where there shall be no assessment for the relief of the poor, as the said managers shall direct,
 5 or to Her Majesty, in case there shall be no such overseer or manager.

And be it Enacted, That the Justices of the Peace or Sheriffs or Stewarts by whom any person shall be convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same, together with costs, either immediately
 10 or within such period as the said Justices shall think fit; and that in default of payment at the time appointed, and in the event of no sufficient distress of the goods and chattels of such person being found within the limits of the jurisdiction of the said Justices or Sheriffs or Stewarts, such person shall be imprisoned in the common gaol or
 15 house of correction (with or without hard labour), as to the said Justices or Sheriffs or Stewarts shall seem meet, for any time not exceeding Two calendar Months, the commitment to be determinable upon payment of the amount of the penalty and costs.

And be it Enacted, That no inhabitant of any parish, township or
 20 place shall be deemed an incompetent witness in any suit, action, information, complaint, appeal, prosecution or proceeding to be had, made, prosecuted or carried on under the authority of this Act for any offence committed within such parish, township or place, by reason of such person being rated or assessed to, or liable to be rated or assessed to,
 25 or being otherwise interested in, the rates or assessments of any such parish, township or place.

And be it Enacted, That where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the
 30 same be deemed a trespasser or trespassers on account of any defect or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers from the beginning on account of any irregularity which shall be afterwards done by the party or parties distraining, but the person or persons
 35 aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case, to be brought in some of the Courts of Record at Westminster or Dublin, or by action raised or complaint preferred in the Court of Session in Scotland: Provided always, That no plaintiff or plaintiffs shall recover in any action for any
 40 such irregularity, trespass or wrongful proceeding, if tender of sufficient amends for any such special damage shall be made by or on behalf of the party or parties who shall have committed, or cause to have been committed, any such irregularity or wrongful proceeding before such action or complaint brought; and in case no such tender shall have

14.

Persons not
paying Penalties
may be
imprisoned.

15.

Inhabitants
of Parishes
not incompetent
as
Witnesses.

16.

Distress not
unlawful for
want of
form.

been made, it shall be lawful for the defendant or defendants in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he or they shall see fit ; whereupon such proceedings or orders and judgments shall be had, made and given in and by such Court as in other 5 actions where the defendant is allowed to pay money into Court.

17.
Appeal to
Quarter
Sessions.

And be it Enacted, That any person who shall think himself or herself aggrieved by any conviction by any Justices of the Peace under this Act, may appeal to the next Court of General or Quarter Sessions of the Peace, which shall be holden not less than Fifteen Days 10 after the day of such conviction, for the county, stewardry, riding, city, borough, division or place wherein the cause of complaint shall have arisen ; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within Seven Days after such conviction, and Seven clear Days at the least 15 before such Session, and shall also either remain in custody until the Session, or enter into a recognizance with Two sufficient sureties before a Justice of the Peace conditioned personally to appear at the said Session of the Peace and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court 20 awarded ; and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such person, if in custody ; and the Court at such Session shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to 25 the Court shall seem meet ; and in case of the dismissal of the appeal or affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment ; and all judgments, determinations and proceedings of such 30 Justices not appealed from as aforesaid, and of such Sheriff or Stewart or Quarter Sessions, shall be final, and not subject to review by any process of law or court whatever, any law or usage to the contrary notwithstanding.

18.
Convictions
not removable
by Certiorari.

And be it Enacted, That no conviction or adjudication made on 35 appeal therefrom shall be quashed for want of form, or be removed by Certiorari or otherwise, into any of Her Majesty's Superior Courts of Record ; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. 40

19.
Act may be
amended or
repealed.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE.

FORM of NOTICE to be fixed up at the Entrance of every Mine or Colliery.

THE following Abstract of this Act shall be painted in oil on a board in black letters on a white ground, or in white letters on a black ground ; and no letter shall be less than Three-quarters of an Inch in height ; and the board shall be fixed up at a height not less than Six Feet from the ground.

BY ACT OF PARLIAMENT, VICTORIA, C.

IT is unlawful to employ any Woman or Girl underground in a Mine or Colliery : Penalty not exceeding Ten Pounds, or less than Five Pounds.

It is unlawful to employ underground, in a Mine or Colliery, any Boy under Ten years of age, or any Boy under Thirteen years of age, more than Twelve hours a day, or on two following days : Penalty not exceeding Ten Pounds, or less than Five Pounds.

It is unlawful for any other person than a Man of the age of Twenty-one or upwards to have any charge of the Machinery by which persons are let down into or are brought up from a Mine or Colliery : Penalty not exceeding Fifty Pounds, or less than Ten Pounds.

Every Indenture of Apprenticeship becomes null and void if the Apprentice is allowed to work underground within a Mine or Colliery.

Mines and Collieries.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and make Provisions for the Safety of Persons working therein.

(Prepared and brought in by
*Lord Ashley, Mr. Fox Maule, and
Mr. Brotherton.*)

Ordered, by The House of Commons, to be Printed,
22 June 1842.

356.

Under 1 oz.

7 March 1843.—6 VICT.



A

B I L L

For regulating the Employment of Children and Young Persons in Factories, and for the better Education of Children in Factory Districts.

[Note.—The Words in the Bill printed in *Italics* are proposed to be inserted in the Committee.]

- W**HEREAS the Laws for regulating the employment of Children and Young Persons in Factories need amendment; **B**E it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *First day of October in the year One thousand eight hundred and Forty-three*, the Act passed in the forty-second year of his late Majesty GEORGE the Third, intituled, "An Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and in Cotton and other Factories," and the two Acts passed in the fourth year of the reign of his late Majesty, respectively intituled, "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," and "An Act to explain and amend an Act of the last Session of Parliament for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," shall be repealed, except as to any thing theretofore done under the authority or in contravention of the said Acts, or either of them, and except so far as either of them repeals any part of any other Act.

Preamble.

1.

Repeal of
42 G. 3,
c. 73;
3 & 4 W. 4,
c. 103, and
4 & 5 W. 4,
c. 1.

2.

Interpretation
Clause.

Sex.

Number.

"Child."

"Young Person."

And be it Enacted, That in this Act, unless another sense shall be plainly shown by the context, or by some positive enactment to the contrary, any word denoting a male person shall be taken to mean a female as well as a male; and any word denoting one person or thing shall be taken to mean any number of persons or things; and the word "Child" shall be taken to mean a child under the age of thirteen years; and the words "Young Person" shall be taken to

	mean a male person of the age of thirteen years, and under the age of eighteen years; and a female person of the age of thirteen years,	
" Parent."	and under the age of twenty-one years; and the word " Parent "	
Employment.	shall mean parent, guardian, or person having the legal custody of any such child or young person; and any child or young person who shall work in any Factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed to be employed therein within the meaning of this Act; and the words " Inspector " and " Sub-inspector " shall mean respectively an inspector and a sub-inspector of factories; and the word " Agent " shall be taken to mean any manager, foreman, overlooker, clerk or other person, having on behalf of the occupier of any Factory the care or direction thereof, or of any part thereof, or of any person employed therein; and the word " Month " shall be taken to mean a calendar month; and the word " Night " shall be taken to mean from eight of the clock in the evening to six of the clock in the following morning; and the word " Meal-time " shall be taken to mean the time set apart for breakfast, dinner, bagging, tea and supper; and the words " Mill-gearing " shall be taken to comprehend every shaft, whether upright, oblique or horizontal, and every cog or stud-wheel, and every drum or pulley which is used to connect the manufacturing machinery with the first moving power; and the word " Factory " shall be taken to mean all buildings and premises situated within any part of the United Kingdom of Great Britain and Ireland, wherein or within the close or curtilage of which, steam, water, or any other mechanical power, shall be used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, tow, hemp, or jute, either separately or mixed together, or mixed with any other material, or any fabric made thereof; and any room situated within the outward gate or boundary of any Factory, or any room in which any part of the business of the manufacture carried on at the Factory is performed, although not within the boundary of the Factory, wherein children or young persons are employed in any process incident to the manufacture carried on in the Factory, shall be taken to be a part of the Factory, although it may not contain any machinery; and any part of such Factory may be taken to be a Factory within the meaning of this Act; but this enactment shall not extend to any part of such Factory used solely for the purposes of a dwelling-house, nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any Factory used solely for the manufacture of lace, or solely for bleaching, printing or calendering; and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing finished goods in any warehouse or	5 10 15 20 25 30 35 40
Exception to the term Factory.		
Exemption when packing finished Goods.		

part of a Factory not used for any manufacturing process, or for any labour incident to any manufacturing process; and nothing in this Act contained shall extend to any young person, being a mechanic, artisan or labourer, working only in making and repairing the machinery, or any part of the Factory.

Exemption
in favour of
Mechanics.

And be it Enacted, That no child under the age of *Eight Years* shall be employed in any Factory.

3.
Children
under Eight
not to work
in Factories.

And be it Enacted, That no child shall be employed in any Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided.

4.
No Child to
be employed
without a
Surgical
Certificate.

And be it Enacted, That no young person under *Sixteen Years* of age shall be employed in a Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided.

5.
No young
person under
Sixteen Years
shall work
without a
Surgical Cer-
tificate.

Provided always, and be it Enacted, That the occupier of any Factory may employ children or young persons under the age of *Sixteen Years*, for the number of hours to which the labour of children and young persons is respectively restricted by this Act, without the aforesaid surgical certificate, for any time not exceeding *Seven* working Days, or when the certifying Surgeon shall reside more than *Three Miles* from the Factory, may so employ them for a period not exceeding *Thirteen* working Days, provided that such occupier shall declare in writing under his hand to the certifying Surgeon that all surgical certificates for children and young persons employed in that Factory shall be granted by such certifying Surgeon, and shall conform to such declaration; but any occupier who shall employ a child, knowing such child to be under *Eight Years* of age, or shall employ any child for a longer time than *Six Hours and Thirty Minutes* in any one day, knowing such child to be under *Thirteen Years* of age, or who shall continue after the next visit of the certifying Surgeon to employ any child or young person whom the certifying Surgeon, at that visit, shall not certify, shall be liable to the penalties herein provided for so employing such child or young person.

6.
Children and
young persons
may be em-
ployed Seven
or Thirteen
Days without
Certificate.

And be it Enacted, That no child shall be employed in any Factory more than *Six Hours and Thirty Minutes* in any day, save as hereinafter excepted; and no child who shall have been employed in a Factory before *Twelve* of the clock at noon of any day, shall be employed in the same or any other Factory after *One* of the clock in the afternoon of the same day.

7.
Children not
to work more
than Six
Hours and
Thirty Mi-
nutes daily.

And be it Enacted, That no young person shall be employed in a Factory in any one day more than *Twelve Hours*, or after the expiration of *Twelve Hours* from the time when any child or young person in the

8.
Young per-
sons not to be
employed
more than
Twelve
Hours daily.

Factory first begins to work in the morning, over and above the time allowed for meal-times, save in the cases hereinafter excepted.

9.
Children and
young persons
not to be em-
ployed in
more than
one Factory.

And be it Enacted, That no child or young person shall be employed in any Factory on the same day on which such child or young person shall have been employed in any other Factory.

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10.
Children and
young persons
not to work
in the Night.

And be it Enacted, That no child or young person shall be employed in a Factory in the night, save young persons for the recovery of lost time in the case hereinafter allowed.

11.
Exception
for recovering
lost time.

And be it Enacted, That in any Factory in which the machinery is wholly moved by the power of water, the time which shall have been lost by the stoppage of the whole machinery from want of water, or from too much water, may be recovered in manner following, within *Three* calendar Months next after the stoppage; and, in order to recover time so lost, children may be employed as early as *Five* of the clock in the morning, and as late as *Nine* of the clock in the evening; and young persons may be employed at any time in the night, and for a period not exceeding *Seventy-two* Hours in the week: Provided always, That no child be employed more than *Seven Hours and Thirty* Minutes in any day, and that no young person be employed more than *Thirteen* Hours within twenty-four consecutive hours; but it shall not be lawful to recover any lost time, unless the notice of lost time shall be according to the form and directions given in Schedule (C.) to this Act annexed, and shall have been hung up in the Factory previous to any lost time being recovered, and shall be kept hung up during the whole period the lost time is in course of being recovered.

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12.
Work to cease
on Saturday
at Half-past
Four.

And be it Enacted, That no child or young person shall be employed in a Factory on any Saturday, after *Half-past Four* of the clock in the afternoon.

13.
One hour and
a Half shall be
allowed for
Meal-times.

And be it Enacted, That at least *One Hour and a Half* shall be allowed for meal-times to every young person employed in a Factory, which shall be taken between the hours of *Half-past Seven* in the morning and *Half-past Seven* in the evening of every day, and *One* Hour thereof at the least shall be allowed, either the whole at one time, or at different times, before *Three* of the clock in the afternoon; and no child or young person shall be employed more than *Five* Hours before *One* of the clock in the afternoon of any day without an interval for meal-time of at least *Thirty* Minutes; and during any meal-time which shall form any part of the hour and a half hereby required to be allowed for meals, no child or young person shall be employed or allowed to remain in any room in which any machinery is in motion, or in which any kind of work is then carried on; and all the young persons employed in a Factory shall have the time for meals at the same period of

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of the day, unless some alteration for special cause shall be allowed by one of the Inspectors hereinafter mentioned.

And be it Enacted, That the occupier of each Factory shall declare, in a distinct place in the register, according to the form and directions given in Schedule (C.) to this Act annexed, the clock by which the employment in his Factory is regulated, and the times of employment of all the children and young persons in the same Factory shall, when required by an Inspector, be regulated by a public clock to be chosen by the Inspector, or when it is desired by the occupier of the Factory, by a clock on the premises, under such general regulations as the Factory Inspectors hereinafter constituted may approve.

14.

Precaution to ensure regularity in the observance of time.

And be it Enacted, That every young person employed in a Factory shall have for holidays in every year not less than *Eight Half Days*, to be taken together or separately, on such working days as the occupier of the Factory may choose; provided, that at least *Four* of such half-holidays be given before the First day of October in each year; and on such half-holidays no young person shall be employed in any Factory more than *Six Hours and Thirty Minutes*; but no cessation from work shall be deemed a half-holiday unless at least *Three Days'* previous notice of the time of such cessation from work shall have been fixed up in some conspicuous part of the Factory; and that in addition to such *Eight Half Days*, no child or young person shall be allowed to work in any Factory on Christmas-day or Good Friday, in England or Ireland; and in Scotland no child or young person shall be allowed to work on the Thursdays set apart by the Church of Scotland for the observance of the Sacramental Fasts in the parish in which the Factory is situated.

15.

Eight Half Holidays to be in every year.

And be it Enacted, That the parent, or person having any direct benefit from the wages of any child employed in a Factory, shall cause such child to attend some school, as hereinafter provided, during at least *Three Hours* on the day after the first employment, and thenceforth for the remainder of that week, and on each of *Five* working days of each following week during which or during any day of which he shall continue in such employment, after the hour of *Eight* of the clock in the morning, and before the hour of *Seven* of the clock in the evening: Provided always, That the non-attendance of such child shall be excused on every day on which such child shall be prevented by sickness or accident from attending the school, or on which any holiday authorized by this Act or by the consent in writing of an Inspector shall occur during the week, or where the school-room is situated within the outer boundary of the Factory at which the child is employed, on every day on which the school shall be closed in consequence of the said Factory ceasing to be at work during the whole day.

16.

Parents to require Children to attend School.

17.
Occupier of
Factory to
obtain School
Certificate,

and to pay
School Fees.

And be it Enacted, That the occupier of every Factory in which a child is employed shall, on Monday, or on any other day appointed for that purpose by an Inspector, in every week after the expiration of the first week from such child having commenced work in the Factory, obtain a school certificate from a Schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school, as required by this Act, during the foregone week; and such occupier shall keep and preserve such certificate for *Six Months* after the date thereof, and produce the same to any Inspector or Sub-Inspector when required during such period, and shall when required by the Inspector for the district, pay to the Schoolmaster of such child, or to such other person as the said Inspector may direct, towards the expenses of educating such child, a sum not exceeding *Three-pence* per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of *One-twelfth* part of the weekly wages of such child.

18.
Schools to be
open to
inspection of
Inspectors of
Schools, and
Committee of
Council on
Education
may declare
Master unfit
or School
improper.

And be it Enacted, That the Inspectors shall, from time to time, report the name and address of every Master of any school from whom any such certificate has been received, to the Committee of Her Majesty's Privy Council on Education, and it shall thenceforth be lawful for any Inspector of schools, appointed or to be appointed by Her Majesty in Council for the purposes of this Act, to visit such school, and to examine into the discipline and management thereof, and the state of the school and the scholars therein, but not in any way further to interfere with the management thereof; and if such Inspector shall be of opinion that the Master is unfit to teach children, or that the school-room or school building is in a state improper for the reception of children, or that the school is in some essential particular defective, he shall report the same to the said Committee of Council, and the said Committee shall, *Fourteen Days* at least before proceeding to make any order thereon, send an abstract of such report by post or otherwise, to the Master of the said school, or in the case of any school which shall become entitled to the benefits of this Act, the said Committee shall send a copy of the report to the Trustees of the said school; and if, after a consideration of such report on any school, and of the counter-statement, if any be received thereto, they shall confirm such report, it shall be lawful for the said Committee, by an order to declare, that the said Master is unfit, or the said school is improper or defective, as the case may be, and to direct a copy of their order to be sent by the post or otherwise to the Master of the said school, and to the Inspectors of Factories, who shall cause a copy thereof to be sent by the post or otherwise,

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to every such occupier of a Factory employing children in the neighbourhood of the said school, as they may deem necessary; and after the expiration of *Two Weeks* from the sending of the said copy of the order to the occupier of any Factory, and so soon as some other
 5 school, situated within *Two Miles* of his Factory, shall be declared in writing by an Inspector to be more eligible, and notice thereof shall have been given to such occupier by an Inspector or Sub-Inspector, a certificate of school attendance from the Schoolmaster who shall be declared by such order to be unfit, shall not be valid; and the attend-
 10 ance of any child at a school which shall be declared by such order to be improper or defective as aforesaid shall not be deemed a compliance with the provisions hereinbefore contained, until the said Committee shall otherwise by order direct.

And be it Enacted, That all the inside walls, ceilings or tops of
 15 rooms, whether plastered or not, and all the passages and staircases of every Factory, which shall not have been painted with oil once at least within *Seven Years*, shall be limewashed Once at least within
Twelve Months; and all the inside walls and ceilings or tops of
 20 rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap Once at least within *Twelve Months*.

19.
Factories to be
lime-washed
yearly.

And be it Enacted, That no part of the wheels of any mill-gearing shall be cleaned when in motion for the purpose of propelling any part of the manufacturing machinery; and no cog or stud wheel of any
 25 machine shall be cleaned while the machine is in motion for manufacturing processes; and no carriage or traversing part of a self-acting machine in any Factory shall be cleaned during the time the same is in motion by the action of the steam-engine, water-wheel or other mechanical power; and no child or young person shall be allowed to
 30 work between the fixed and traversing part of any self-acting machine, while the latter is in motion.

20.
Machinery
not to be
cleaned while
in motion.

And be it Enacted, That every fly-wheel directly connected with the steam-engine or water-wheel, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-
 35 wheel, and every fly-wheel connected with the steam-engine or water-wheel, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a factory shall be securely guarded; and every wheel-race not otherwise secured shall be guarded close to the edge of the wheel-race by a fence; and
 40 the said protection to each part shall not be removed while the parts required to be protected are in motion by the action of the steam-engine, water-wheel or other mechanical power for any manufacturing process.

21.
Machinery to
be enclosed
or guarded.

22.

Inspector or
Sub-Inspector
to give notice
of dangerous
Machinery.

And be it Enacted, That if any Inspector or Sub-Inspector shall observe in any Factory any machinery or parts of machinery not securely guarded which he shall deem likely to cause bodily injury to any person employed in such Factory, he shall give notice in writing to the occupier of such Factory, or his agent, of such parts of the machinery as he shall deem to be dangerous, according to the form and directions given in Schedule (D.) to this Act annexed; and the occupier of the Factory, or his agent, shall sign a duplicate copy of this notice in acknowledgment of his having received it.

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23.

Notice to be
given of any
accident
arising from
Machinery.

And be it Enacted, That if any accident arising from the machinery, shall occur in a Factory which shall cause any bodily injury to any person employed in the Factory, by which such person shall be interrupted in the continuance of his usual employment in the Factory, the occupier of the Factory, or, in his absence, his principal agent in the Factory, at the time when the accident occurred, shall, without delay, on the same day on which the accident has occurred, send a notice thereof in writing, by a messenger, to the Surgeon appointed to grant certificates of age for the district in which the Factory is situated.

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24.

Certifying
Surgeon to
examine into
the cause and
extent of
accident, and
report there-
on.

And be it Enacted, That if a certifying Surgeon shall receive notice that an accident has occurred, which has caused bodily injury to a person or persons employed in a Factory, for which he has been appointed to grant certificates of age, he shall with the least possible delay proceed to the said Factory, and make a full investigation of the circumstances under which the accident occurred, and shall within the next *Twenty-four* Hours send notice to the Sub-Inspector of the district that such accident has happened, and shall also within the same period send to the Inspector of the district a report thereof, together with a description of the nature of the bodily injury caused by the accident, a copy of which report, together with any other information which he may receive respecting the said accident, the Inspector of the district is hereby required to send to the office of the Factory Inspectors as early as conveniently may be; and the certifying Surgeon, for the purpose of such investigations only, shall have the same power, authority and protection as an Inspector; and for such investigation the said Surgeon shall receive a fee from the occupier of the Factory, not exceeding *Ten Shillings*, on presenting an order signed by the Inspector of the district, specifying the said sum of *Ten Shillings*, or such part thereof, not being less than *Three Shillings*, as the Inspector of the district may consider a reasonable remuneration to the Surgeon for his trouble, which fee shall be recoverable as penalties under this Act are recoverable.

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25.

Registers to
be kept in
every Fac-
tory.

And be it Enacted, That registers shall be kept in the Factory to which they relate, by the occupier of every Factory, according to the forms

forms and directions given in Schedule (B.) to this Act annexed; and every Inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to
 5 the persons employed or the work done in the Factory which such Inspector may deem requisite to facilitate the performance of his duties or any inquiry made under the authority of this Act; but no information so sent by the occupier of any Factory shall be admissible in evidence in any proceeding against him for the recovery
 10 of any penalty; and the registers, certificates and other documents required to be received or kept shall be at all times ready for examination by the Inspector or Sub-Inspector when the Factory is at work.

And be it Enacted, That an abstract of such parts of this Act, as shall be directed by One of Her Majesty's Principal Secretaries of State, shall
 15 be hung up, as soon as received by the occupier of the Factory or his agent, in some conspicuous place within the Factory; and notice of the times of beginning and ending work on each day of all persons employed in the Factory, whether children, young persons or adults, of the times of the day and amount of time allowed for their several
 20 meals, of all time lost which is intended to be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters and fixed on a moveable board, each particular notice being signed by the occupier of every Factory, or his agent, shall be hung up in some conspicuous
 25 place, where they may be easily read by the persons employed in the Factory; and in case any such abstract of this Act or notice shall become illegible in any part, the occupier of the Factory shall cause a new copy thereof to be provided and hung up as aforesaid; and the Inspector or Sub-Inspector of the district may order the particular place
 30 or places where any such abstract or notice shall be hung up, whence the same shall not be removed from such places while the Factory is at work; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered; and every notice required to be hung up shall be in the forms and according
 35 to the directions given in the Schedule (C.) hereunto annexed.

26.
 Abstract of
 this Act and
 certain
 Notices, to be
 hung up in
 every Fac-
 tory.

And be it Enacted, That the four Inspectors appointed by his late Majesty under the second Act hereby repealed, shall be, during Her Majesty's pleasure, the Inspectors of Factories under this Act; and in every case of vacancy of the office of Inspector, Her Majesty may
 40 appoint, by warrant under the sign manual, another fit person to the vacant office; and every Inspector shall report his proceedings in the execution of this Act, in such manner and at such times as shall be directed by One of Her Majesty's Principal Secretaries of State.

27.
 Appointment
 of Inspectors.

28.

Inspectors
to report their
proceedings.

And be it Enacted, That every Inspector shall, *Once* at least in every year, report as to the treatment and the condition of the children and young persons employed in the Factories under his inspection, and shall also report the several offences he may at each visit discover and prosecute, with an account of all penalties received, and the appropriation thereof; and all cases of accidents from machinery occurring in Factories within his district, of which he shall have received notice, with a description of the nature of the accident, and of the bodily injury caused thereby, to any person working in the Factory, and whether or not such Factories are conducted according to the provisions of this Act which reports shall be laid before Parliament within *Six* Weeks after being received, or after the next meeting of Parliament.

29.

Inspectors
to meet *Twice*
in every year,
and *Three*
Inspectors
may make
Rules.

And be it Enacted, That the said Inspectors shall meet *Twice* at least every year, and oftener if required by One of Her Majesty's Principal Secretaries of State, and shall at such meetings confer together on their several proceedings in the execution of this Act; and the majority then present, the number present being not less than *Three*, shall make such rules for regulating their own proceedings and the proceedings of the Sub-Inspectors as may be necessary for the purpose of making their several proceedings and visitations as uniform as possible; but no such rule shall be of force until approved by One of Her Majesty's Principal Secretaries of State; and every such rule, when so approved, shall be binding on the Inspectors and Sub-Inspectors, until revoked by an order from such Secretary of State.

30.

Appointment
of Sub-In-
spectors.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State shall appoint a sufficient number of other persons, not being less than *Eighteen*, to be Sub-Inspectors, to assist in the execution of this Act, under the direction of the Inspectors; and the Superintendents who may have been appointed under the second Act hereby repealed shall be Sub-Inspectors under this Act; and every Sub-Inspector shall hold his office during the pleasure of such Secretary of State; and in every case of vacancy of the office of Sub-Inspector, One of Her Majesty's Principal Secretaries of State may in like manner appoint another fit person to be Sub-Inspector.

31.

Inspectors
and Sub-
Inspectors
exempted
from serving
parochial
offices.

And be it Enacted, That no Inspector or Sub-Inspector shall be required to serve any parochial or municipal office, so long as he shall continue to hold the office of Inspector or Sub-Inspector.

32.

Power of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That every Inspector and Sub-Inspector shall have power to enter every part of any Factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a Factory, for the purpose of ascertaining whether any work is carried on therein which

which is regulated by this Act, and to enter any school in which children employed in Factories are educated, and at all times to take with him such persons as he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a Factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a Factory, within *Two Months* next preceding the time when he shall require him to be examined, touching any matter within the provisions of this Act; and the Inspector or Sub-Inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have power to examine the registers, certificates, notices and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined; or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the admission of an Inspector or Sub-Inspector to any part of a Factory or school, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the execution of the powers intrusted to him.

And be it Enacted, That the provisions of an Act passed in the twenty-fourth year of the reign of King GEORGE the Second, intituled, "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants," as amended by any subsequent Act, so far as they relate to rendering Justices of the Peace more safe in the execution of their office, shall extend to protect the Inspectors and Sub-Inspectors in the exercise of their duties under this Act.

33.
Protection of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That a proper office, to be called "The Office of the Factory Inspectors," shall be provided in London or Westminster for the use of the Inspectors, and for the preservation of the Factory Records, and all documents relating to the several proceedings under this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from time to time such clerks and servants as may be deemed necessary to carry on the business of the said office, and at pleasure remove them, or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the clerks and servants in fit proportion, according to the duties they may have to perform.

34.
Office of
Factory
Inspectors.

35.
Management
of the
office, and
regulating
duties of
Inspectors.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the approval of such Principal Secretary, from time to time may make regulations for the management of the said office, and for regulating the duties of the several Inspectors and Sub-Inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, clerks and servants respectively.

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36.
Naval and
Military
Officers to
receive
Half-pay.

And be it Enacted, That no office or employment under this Act shall prevent the holder thereof from receiving any half-pay as a naval or military officer, to which if he did not hold such office or employment he might be or become entitled.

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37.
Officers
declared to
be within the
Superannuation Act.

And be it Enacted, That after the *passing of this Act*, all Officers appointed under this Act, who shall not have filled the office of Inspector or Superintendent of Factories before the *passing of this Act*, shall be within the provisions of an Act passed in the fifth year of the reign of his late Majesty, intituled, "An Act to alter, amend and consolidate the Laws for regulating the Pensions, Compensations and Allowances to be made to Persons in respect of their having held Civil Offices in his Majesty's Service;" and all persons who shall have filled the office of Inspector or Superintendent of Factories before the *passing of the Act* may, within *Six Months* after the *passing of this Act*, declare their wish to be within the provisions of the said Act, and the last-mentioned Officers who shall so declare their wish may, with the consent of the Commissioners of Her Majesty's Treasury, be considered within the provisions of the said Act, but so, nevertheless, that the periods of their respective services shall be accounted to them from the date of their respective appointments under the second Act hereby repealed, but the abatements from their respective salaries shall be made only from the time of the passing of this Act.

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38.
Persons beginning to
occupy a
Factory
to send notice
to the Office of
Factory Inspectors.

And be it Enacted, That every person on first coming to occupy a Factory shall, within *One Month*, send to the Inspectors a written notice of the name of the Factory, the place, township, parish and county where it is situated, and the nearest post-office to his Factory, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the Factory is to be carried on; such notice to be addressed "To the Office of the Factory Inspectors, London."

35

And

And be it Enacted, That any Inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying Surgeons, for the purpose of examining children and young persons who shall be brought before them to obtain the surgical certificates of age hereinbefore required, and of giving the said certificates, and shall
 5 in every such appointment specify the Factories or district for which each Surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; and the Inspector of the district shall make known the name of the certifying Surgeons so from time to time appointed or discontinued to the occupiers
 10 of the Factories in that district, in such manner as to him shall seem fit; but no Inspector or Sub-Inspector shall be qualified to be a certifying Surgeon.

39.
 Certifying Surgeons to be appointed by an Inspector.

And be it Enacted, That the surgical certificates required by this
 15 Act may be given by any person duly authorized by any University or College, or other public body having authority in that behalf, to practise surgery or medicine, although he may not have been appointed a certifying Surgeon; but no surgical certificate given by any person who is not an appointed certifying Surgeon shall be of any force until it shall
 20 have been countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace not having any beneficial interest in or being occupier of a Factory, and not being the father, son or brother of the occupier of a Factory; and no person shall countersign any such surgical certificate which he
 25 shall not believe to be true, or in the absence of the child or young person named therein, or without proof that the child or young person brought before him is the same to whom the certificate was granted.

40.
 Certificates may be given by any Surgeon or Physician of the neighbourhood, but if not given by certifying Surgeon, must be countersigned by a Magistrate.

And be it Enacted, That no Surgeon shall grant any surgical certificate required by this Act, except upon personal inspection of the child
 30 or young person named therein; and no certifying Surgeon shall examine any child or young person for the purposes of this Act, or sign or issue any surgical certificate elsewhere than at the Factory where the child or young person is to be employed, unless for special cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse
 35 to grant a certificate of age for any child or young person presented to him for examination, he shall in the stead of such certificate give when required, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed.

41.
 Surgical Certificates to be given on personal inspection.

40 And be it Enacted, That if the occupier of a Factory shall agree in writing with the certifying Surgeon of a district for the payment to be made by the occupier of the Factory to the certifying Surgeon for

42.
 Agreement between Mill Occupier and certifying Surgeon.

examining children and young persons for the certificates of age required for such Factory; and if the terms of such agreement shall be in conformity with such regulations as shall be made by the Inspectors, and shall be countersigned by an Inspector in token of such conformity, all penalties which may be incurred by any party to such agreement may be recovered, as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are hereinafter directed to be applied. 5

43.
Inspector
may fix
Surgeon's
Fees.

And be it Enacted, That an Inspector shall fix the amount of fees to be paid by the occupier of a Factory, and the period when such fees shall be paid to the certifying Surgeon, and also the period when such certifying Surgeon shall visit a Factory, provided he shall be required to fix such fees and visits by the occupier of a Factory; and the fees so to be fixed by the Inspector shall not in any case exceed *One Shilling* for each child or young person who shall be presented to him at the Factory by the mill-owner or his agent to be examined, together with *Sixpence* for every Half Mile that the distance of the Factory from the residence of such Surgeon shall exceed *One Mile*; and such fees, including mileage, shall in no case exceed *Five Shillings* for any one visit, except when upon such visit the certifying Surgeon shall examine more than *Ten* children or young persons who may be brought before him as aforesaid, in which case he shall receive *Sixpence* for each child or young person that he may examine for the said certificates of age, instead of all other fees; and in any case where a Factory is situated within the distance of *One Mile* from the residence of a certifying Surgeon, the fee for such Factory shall not be less than *One Shilling*, and shall not exceed *Two Shillings and Sixpence* for each visit, except when at any one visit he shall examine for the said certificates of age more than *Five* children or young persons who may be brought before him as aforesaid, in which case he shall receive *Sixpence* for each child or young person that he may so examine, instead of all other fees; and no certifying Surgeon shall receive more than *Sixpence* for any certificate which he may be allowed by an Inspector, as hereinbefore provided, to sign or issue otherwise than at the Factory where the child or young person is to be employed; and the occupier of any Factory shall pay such fees to the certifying Surgeon at the period of signing such certificates, or at any other period when he may be directed by the Inspector to do so; and the occupier of such Factory may deduct the fee, or any part thereof, not exceeding in any one case the sum of *Three-pence*, from the wages of the child or young person for whom the certificate may have been granted; but in any case where such agreement, as aforesaid, has been executed between an occupier of a Factory and the certifying Surgeon, the amount named in such agreement shall be instead of the fees fixed by any Inspector in virtue of this Act: Provided always, That no certifying 10 15 20 25 30 35 40

certifying Surgeon shall be required to visit any Factory situated within *Three Miles* of his residence, oftener than *Once* in each week, or to visit any Factory situated at a greater distance than *Three Miles* oftener than *Once* in every fortnight, unless with the consent of the occupier of the Factory.

And be it Enacted, That every surgical certificate given under this Act, or which has been granted conformably to the second Act hereby repealed, and which shall not have been annulled, shall be evidence, in the first instance, of the age of the child or young person named therein, but shall not protect any person, knowing such child or young person to be of less than the age certified, from any penalty for employing, or conniving at the employment, of such child or young person, otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing a child or young person contrary to this Act, the certificate of a certifying Surgeon, that he has personally examined the child or young person, and believes him or her to be under the age of *Eight Years*, or *Thirteen Years*, or *Eighteen* or *Twenty-one Years*, as the case may be, shall be evidence, in the first instance, of the age of such person, until the contrary shall be made to appear.

44.
Surgical
Certificates
to be proof of
Age.

And be it Enacted, That if any Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any person who is employed without a surgical certificate is less than *Sixteen*, the occupier of the Factory in which such person is employed shall be liable to the penalties for employing children or young persons without the surgical certificate required for a child or young person respectively, unless, upon the proceeding for the enforcement of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his *Sixteenth* Year of age.

45.
Proof of age
of children
and young
persons em-
ployed with-
out a surgical
certificate.

And be it Enacted, That if an Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any person employed in a Factory in a manner contrary to the provisions of this Act for young persons, is less than *Eighteen* or *Twenty-one*, as the case may be, the occupier of the Factory shall, save in the cases hereinafter excepted, be liable to the penalty for employing such young person contrary to the provisions of this Act, unless upon the proceeding for the enforcement of such penalties, he shall prove that the said person had completed his *Eighteenth* or her *Twenty-first* Year.

46.
Proof of
Adult Age.

47.
Inspectors
and Sub-
Inspectors
may annul
Certificates.

And be it Enacted; That children or young persons who shall be employed in a Factory at the time when this Act shall come into force, under surgical certificates of age, granted under the second Act hereby repealed, shall not be required to have new surgical certificates of age, in the form and manner provided by this Act, but every Inspector and Sub-Inspector may annul any surgical certificate granted under this Act, and any surgical certificate granted before the passing of this Act, by writing across the surgical certificate the word "Annulled," with his name, and the date of annulling such certificate; provided that in either case he shall have reason to believe the real age of the child or young person mentioned therein to be less than that mentioned in the certificate, or provided the Surgeon who has granted such certificate shall, upon reference made to him, deem such child or young person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

48.
Certificates of
real age may
be obtained.

And be it Enacted, That in case any person shall be desirous of proving the real age of any child or young person for whom a certifying Surgeon shall have refused to grant a certificate of age, or whose surgical certificate any Inspector or Sub-Inspector may have annulled, the Inspector or Sub-Inspector shall, on demand, give to such person a requisition, under his hand, in a form to be approved of by the Inspectors and by the Registrar-General, for the production of a duly certified copy of the entry of the birth or baptism of such child or young person; provided it shall appear to such Inspector or Sub-Inspector that such certificate has not been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity; and every person to whom such requisition shall have been given shall be entitled, upon payment of *One Shilling*, and no more, to receive, on personal application, or on application by a letter enclosing *One Shilling* and the requisition, if the postage thereof be paid, and if there be also enclosed in the letter a cover or envelope, on which is written the name and address of the person so applying, from any minister, registrar, or other person having the care of any register of births or baptisms, in which the birth or baptism of such child or young person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar, or other person having charge of such register; and if the child or young person to whom the certifying Surgeon shall have so refused to grant a certificate of age, or whose surgical certificate shall have been so annulled by any

any Inspector or Sub-Inspector, shall produce the aforesaid certified copy of the entry of his birth or baptism, proving the age of such child to be above *Eight* Years, or of such young person to be above *Thirteen* Years, to the certifying Surgeon of the district, he shall
 5 examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying Surgeon shall be required, without further fee or reward, to write the word "Examined" thereon, and add his signature and the date of such examination; but if he shall discover any error or falsification
 10 thereon, he shall transmit such certified copy by the post to the Inspector of the district; and when such certified copy of the entry of the birth or baptism of such child so examined as aforesaid has been given to the occupier of the Factory or his agent, it shall be lawful to employ the child or young person in the same manner as if the certifying Surgeon had granted the certificate of age required by this Act,
 15 or as if the surgical certificate had not been annulled; and the certified copy of the entry of birth or baptism shall be retained by the occupier of the Factory or his agent, so long as the child or young person is in his employment, but shall be given up to the child or young person on his ceasing to be so employed; and if any Inspector of Factories
 20 shall require a certified copy of the entry of the birth or baptism of any child or young person employed in any Factory, from the office of the Registrar-general, he shall be entitled to receive such certificate without the payment of any fee; but no such certified copy shall be admissible
 25 in evidence in any court, or for any purpose, save for the purpose of empowering the occupier of a Factory to employ any child who may thereby be proved to be above *Eight* Years of age, or any young person who may thereby be proved to be above *Thirteen* or *Sixteen* Years of age, or any person who may thereby be proved to be above *Eighteen* or
 30 *Twenty-one* Years of age, as the case may be: Provided always, That in those cases in which a certifying Surgeon shall have refused to grant a certificate, or an Inspector or Sub-Inspector shall have declared a surgical certificate to have been annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, such
 35 child or young person shall not be employed on proof of real age alone.

And be it Enacted, That before employing any child or young person under *Sixteen* Years of age, the occupier of the Factory shall obtain the surgical certificate required by this Act, save as herein excepted, and shall keep and be bound to produce every such
 40 certificate, or certified copy of an entry in a register of births or baptisms, when required, to the Inspector or Sub-Inspector; and no surgical certificate shall be valid, except at the Factory for which it was originally granted; and the certifying Surgeon, each time he visits a Factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit, and the other particulars set

49.
 Certificates
 to serve only
 for One Fac-
 tory.

forth in the Form, and according to the directions given in Schedule (B.) to this Act annexed.

50.
Constitution
of Schools to
be provided
in Factory
districts.

AND whereas it is necessary that means should be taken to provide proper schools in places where children reside who are employed in Factories, so that the children may receive a religious and useful education; BE it Enacted, That every school which shall be formed under the provisions of this Act, or which shall adopt the constitution and regulations, as hereinafter provided, shall receive and educate such of the children employed in Factories, or of the children of any family, part of which family may be employed therein, as may be sent thither by their parent in preference to other scholars, so long as the school-fees for such children shall be duly paid, and such school shall be under the management of the Trustees to be appointed in the manner hereinafter directed.

51.
Ex-officio
Trustees.

And be it Enacted, That when the school shall be intended for a place for which there shall be only *One* officiating Minister, and not more than *Two* Church or Chapelwardens, such Minister and Church or Chapelwardens shall be, together with the Trustees hereinafter provided, the Trustees of the school, such Minister being termed the Clerical Trustee; and when there shall be *Two* or more Ministers officiating in any such place, or where the school shall be intended for *Two* or more, or parts of *Two* or more ecclesiastical districts, the Bishop of the diocese within which such school shall be situated, shall, from time to time, as occasion may require, choose from such Ministers, or from the Ministers officiating in the several districts, *One* to be the Clerical Trustee of the school, who shall hold his office as such Trustee so long as the said Bishop shall deem proper, and so long as he shall continue to be a Minister officiating in the said place; and if there shall be more than *Two* Church or Chapelwardens of the place for which the school is intended, or if it shall be intended for several ecclesiastical districts as aforesaid, the Clerical Trustee shall choose annually, or as occasion may require, *Two* at most of the Church or Chapelwardens of such place, or of the ecclesiastical districts to be Trustees, together with him and the other Trustees; and if any Church or Chapelwarden shall refuse to act as a Trustee, the Clerical Trustee shall choose another Church or Chapelwarden in his stead, and if all the Church or Chapelwardens shall so refuse, he shall be at liberty to choose *Two* Trustees from among the persons eligible to be Trustees as hereinafter provided, instead of the Church or Chapelwardens so refusing.

52.
Justices at
Petty Sessions
to appoint
Annual
Trustees.

And be it Enacted, That before any school shall be established under the provisions of this Act, the Justices of the Peace of the division or place in which the district for which the school is intended,

is

is situated, or when it is situated in *Two* or more divisions, then the Justices of such one of those petty sessional divisions as the said Committee of Council shall by an order sealed with their seal declare, shall, on receipt of an order for that purpose from the said Committee
 5 of Council under their seal, hold a Petty Session, and shall choose out of the persons assessed to the poor-rate in the said district, at a sum not less than Pounds ; or out of the persons who shall have subscribed and paid towards the building and furnishing of the said school-buildings a sum not less than *One-tenth* part of the entire cost
 10 thereof; *Four* persons to be Trustees of the said school, *Two* of whom shall be occupiers of Factories employing children, unless the said Justices shall not be able to choose any persons, being such occupiers, as in their judgment would be proper, or shall be willing to undertake the said trust ; and the Justices of the same division or place shall annually,
 15 at the time when they appoint Overseers of the Poor, make such fresh appointments of Trustees in manner aforesaid : Provided, nevertheless, That the Trustees who shall have been appointed, shall continue to act as such until others are appointed in their stead, and all or any one of them may be re-appointed if and as often as the said Justices shall
 20 deem fit.

And be it Enacted, That every person who shall have given the site for the said school, shall be a Trustee during the whole of his life.

53.
Grantor of
site a Trustee
for life.

And be it Enacted, That the said Trustees shall meet Once at least in every *Month*, at a place and time to be agreed upon at the
 25 opening of the said school, and to be settled from time to time by the said Trustees : Provided, That any Trustee may summon a special meeting by a notice in writing to all the Trustees residing within the district ; and at all meetings of the Trustees, the Clerical Trustee, if present, shall preside ; and no questions shall be determined, unless
 30 *Three* members, at least, be present, except as to the admission or dismissal of a child, and the enforcement of any regulations specially authorized by any bye-law of such school to be enforced by a less number than *Three* Trustees, and the question of an adjournment ; and in cases of equality of votes, the Chairman shall have a second
 35 or casting vote : Provided also, That no bye-law shall be valid unless it shall have been determined at a meeting of the Trustees, held not less than *Three* clear Days after notice in writing has been given to all the Trustees residing within the district of the bye-law intended to be proposed, and unless such bye-law shall have been confirmed at
 40 the next ordinary meeting of the Trustees, held not less than *Fourteen* Days after the former meeting, nor until a copy of the same shall have been sent to the said Committee of Council, and they shall have affixed their seal thereto, upon being satisfied that it is in nowise contrary to the constitution of the school.

54.
Meetings of
Trustees.

55.

The powers
of the Trus-
tees of the
School.

And be it Enacted, That the Trustees shall determine the hours during which the school shall be kept, so, however that the children employed in Factories shall be enabled to attend during a period of *Three Hours* after *Eight* and before *One* of the clock in the day, or during a period of *Three Hours* after *One* of the clock in the day, and before *Seven* of the clock in the evening; and shall determine the amount of the school fee, so that nevertheless it shall not exceed *Three-pence* a week for any child employed in a Factory, the employment of each class, during every hour of the day, the books and apparatus to be used in the said school, the number and times of the holidays which, exclusive of any holidays on any of the usual fasts and festivals of the Church, shall not exceed *Three Weeks* in each year, except with the consent in writing of an Inspector, the appointment, suspension or dismissal of the Master or his Assistants, their remuneration, and every question relative to the discipline and management of the school, and the dismissal of any child therefrom for misconduct: Provided always, That the appointment of a Master and his paid Assistants shall in all cases be subject to the approval of the Bishop of the diocese in which the school is situated, as respects the competency of such Master and his Assistants to give the religious instruction required by the provisions of this Act: Provided also, That if any Trustee at an ordinary meeting make complaint in writing that any Master or Assistant has, within the space of *Two Months* previously to such meeting, wilfully neglected to observe or acted contrary to the regulations of the school in this Act prescribed, the Trustees shall be specially summoned in the manner hereinbefore set forth to meet within *Ten Days* to consider the complaint, and at such meeting shall decide thereon; and if any Trustee of such school shall not be satisfied with their decision, he may, within *Fourteen Days* thereafter, appeal to the Committee of Council on Education, who may inquire into the matter of the complaint, and if they shall find that such Master or Assistant has wilfully neglected to observe or acted contrary to such regulations as aforesaid, they may dismiss such Master or Assistant from the school by an order under their seal.

56.

Provision for
an Evening
School.

And be it Enacted, That if at any time application shall be made by *Ten* persons at least working in the Factories in the neighbourhood of any such school to the Trustees thereof, requesting that the said school may be open for Evening instruction, the said Trustees shall forthwith prescribe rules for the management of an Evening school, such rules to be deemed bye-laws within the meaning of this Act, and shall determine the fees to be paid by each person for instruction thereat; and if such number of persons as aforesaid shall be willing to engage to attend such school under those rules, and to pay the fees so appointed, the said Trustees shall be required to open the said school as an Evening school for at least *One Hour*

Hour and a half on *Three Days* at least in every week, and to provide a proper Master for the instruction of such persons.

And be it Enacted, That every Master of a school to be provided for the education of children, as aforesaid, shall be required to teach
 5 the Holy Scriptures, in the version appointed by law to be used in churches, to such scholars as shall be of proper age to learn the same, and shall teach from no other book of religion whatever (except as hereinafter provided); but nothing herein contained shall prevent the use of any part of the Liturgy of the Church of England in
 10 Divine Worship in the said school by the Clerical Trustee, or by any person whom he may appoint, on *Sunday*, or on *Christmas-day* and *Good Friday*, or on any of the usual Fasts and Festivals of the Church which the Trustees may have appointed to be school holidays; provided that no scholar shall be required to attend at such Divine
 15 Worship whose parent shall object to such attendance; and at the opening and the close of school the Master and the scholars shall join in prayer, using the Lord's Prayer, and the Master shall read some select passage of the Holy Scriptures.

57.
What Religious Instruction shall be given at the School.

And be it Enacted, That religious instruction shall be given to the
 20 scholars of every such school, save as hereinafter excepted, in the Catechism and such other portions of the Liturgy of the Church of England as by law established as the Clerical Trustee may appoint, and at such periods, not exceeding *One Hour* in the same day for each scholar, as the Clerical Trustee may select: Provided,
 25 always, That if such scholars be not instructed in a room apart from the scholars whose parents desire they shall not be present at such instruction, the whole period to be appropriated to such religious instruction shall not exceed *One Hour* during the Morning school, and *One Hour* during the Afternoon school, on Days in each week;
 30 and such Clerical Trustee may direct the said Master to teach such Catechism and portions of the Liturgy as aforesaid, at such times and during such periods, not exceeding *Three Hours* in the whole, as the said Trustee may appoint, on every *Sunday*; and during all such periods as aforesaid, the said Master shall give such other religious
 35 instruction to the said scholars as such Clerical Trustee shall direct, the mode in which such religious instruction shall be given being determined, and the selection of the books for that purpose being made, by the Clerical Trustee alone; and it shall be lawful for such Clerical Trustee, or for such other person as he may appoint, at such
 40 periods, to instruct, catechise and examine such children, as he may deem advisable, except as hereinafter provided, in the principles of their religion: Provided also, That no Inspector of schools shall inquire into the religious instruction which the Clerical Trustee is authorized to give or to direct to be given in such schools, nor examine the scholars in such religious instruction, nor make any report thereon,

58.
When such Religious Instruction shall be given from the Catechism and Liturgy of the Established Church.

unless he receive authority for that purpose from the Archbishop of the province, or from the Bishop of the diocese.

59.
Provided that
if the Parent
object, no
Child shall be
compelled to
attend the
Religious
Instruction.

And be it Enacted, That if the parent of any scholar shall notify to the Master or Trustees that he desires that such scholar, on the ground of religious objection, may not be present at the periods when such Catechism or portions of the Liturgy are taught as aforesaid, it shall not be lawful for any person to compel such child to be present at such periods, nor to punish or otherwise molest such child for not being present; and it shall not be lawful for the Trustees or Master of the said school, or any other person, to give or permit to be given in the said school any religious instruction to such scholar, except the reading of the Holy Scriptures as hereinbefore appointed; and such child shall at such periods be instructed in some other branch of knowledge taught in the school. 5 10

60.
Scholars to
attend Divine
Worship on
Sunday.

And be it Enacted, That the Master shall cause the scholars of every such school to attend under his care the Divine service of the Church of England as by law established, at least *Once* on every *Sunday*, in the church or chapel of the parish, or ecclesiastical district wherein such school is situated, except any scholar in respect of whom the Master is satisfied that he will attend such worship in that or some other church or chapel, or that he is prevented from attending by any reasonable impediment, or in respect of whom his parent shall notify to the Master that, on the ground of religious objection, he desires such scholar not to attend the worship of the Church of England. 15 20 25

61.
Power to
Trustees of
endowed
Schools to
obtain the
benefits of
this Act.

And be it Enacted, That it shall be lawful for the major part of the Trustees of any school existing, or which may hereafter exist, in any place in which children reside who work in Factories, and in which school, according to the trusts declared in the deed of the endowment, or according to the practice thereat, such practice not being contrary to any of the trusts declared in the deed of endowment which shall be at that time lawful, the Catechism or Liturgy of the Established Church shall have been taught to forward the deed of trust, or an attested copy thereof, to the Committee of Council on Education, together with a memorial to be signed by the Bishop of the Diocese in which the said school shall be situated, in testimony of his consent thereto, setting forth the particulars of such school and its endowment, and requesting to be allowed to adopt the constitution and regulations prescribed by this Act; and thereupon it shall be lawful for the Lords of the said Committee to make such inquiries as they may deem expedient as to the endowment, constitution, conduct and management of the said school, and its necessity or utility for the education of the children employed in the Factories in the neighbourhood, and if they see fit, to issue a certificate in 30 35 40

in the form No. I., in the Schedule hereunto annexed, marked (E.), empowering the Trustees of the said school to adopt the provisions of this Act in regard to the constitution and regulation of the said school, and assigning the district which shall be liable, according to the provisions of this Act, to contribute towards the maintenance thereof; and thenceforth the Trustees of the said school shall be appointed, and the said school shall be regulated, and the instruction thereat shall be given, according to the provisions herein enacted, notwithstanding the terms of the deed of conveyance may be at variance or inconsistent with the same; and it shall be entitled to all the rights, privileges and advantages conferred upon a school erected under the authority of this Act: Provided, That the Trustees of the said school existing at the time of the presenting of the said memorial, shall continue to be Trustees so long as they would have been Trustees if this Act had not passed, in addition to those to be appointed under such new constitution.

And be it Enacted, That if any school shall be hereafter erected or endowed by voluntary subscriptions wholly, or with the assistance of a grant authorized by the said Committee of Council; and the deed of conveyance shall declare that the constitution of the school and the regulation and management thereof, and the education thereat, shall be according to the provisions of this Act; and if on application made by the Trustees thereof to them, the said Committee shall be satisfied that such school is necessary for the education of children employed in the Factories in the neighbourhood, and shall give a certificate according to the form No. II. in the Schedule hereunto annexed, marked (E.), and shall assign a district which shall be liable to contribute towards the future maintenance thereof, it shall thenceforth be taken to be a school within the provisions of this Act, and shall be in like manner entitled to all the benefits conferred thereby on a school erected under the provisions thereof; and the Trustees thereof, in addition to the then existing Trustees, shall be appointed in the same manner as hereinbefore provided for the appointment of Trustees.

And be it Enacted, That before the said Committee shall, under any of the powers aforesaid, issue a certificate to the Trustees of a school, they shall cause the boundary of the district for which the said school shall be proposed, to be determined; and if the district shall comprise several parishes, townships, chapelries, places or ecclesiastical districts, or several parts thereof, shall cause an estimate to be made of the population and the annual value of the property in the several parts of the district, the inquiry into the boundary, amount of population and value being made by an Inspector of schools appointed for the purposes of this Act, in the manner hereinafter provided in the case of a school to be erected under the authority of this Act; and the

62.

Schools hereafter to be erected may obtain the benefit of this Act.

63.

Committee of Council of Education to define Boundaries. Number of Trustees and proportion of Contribution.

said Committee shall define in such certificate the district to which the school shall be assigned, and where requisite in respect of which of the several parts thereof the several Trustees, not exceeding *Four* in the whole, shall be appointed, and the proportion in which each of such several parts shall be liable to contribute to the future maintenance of the school; and a copy of such certificate shall be sent to the Trustees of the school, and to the Overseers of every place which shall be affected by such certificate; and the original, together with a copy of the deed of conveyance of the school, if any such exist, shall be preserved in the office of the said Committee.

64.
Provision for
erection and
enlargement
of a School
where Sub-
scriptions
insufficient.

And be it Enacted, That if in any place being a parish, township, chapelry or ecclesiastical district, certain monies shall be subscribed but not sufficient to provide for the enlargement of an existing school, or the erection of a new school, nor to enable the Lords of the Committee of Council on Education, according to their established regulations, to advise a grant to be made of a sufficient amount to supply the deficiency, but the amount of *One-third* of the cost of the enlargement of the school or of the cost of the site, school-buildings, and furniture of the school-room, according to an estimate to be submitted to and approved of by the said Committee, shall have been subscribed, it shall be lawful for an officiating Minister in the said place, and at least *Four* other householders qualified to act as trustees in the said place, to present a memorial to the said Committee, according to the Form, No. III., in the Schedule hereunto annexed, marked (E.) or to the like effect, wherein shall be set forth the necessity for the enlargement of an existing school, or the erection of a new School to be constituted and regulated in the manner detailed in this Act, the site proposed, the estimated cost of the enlargement or establishment of the school, the amount of the subscriptions, and that the same is inadequate for enlarging or establishing the said school and its appurtenances; and it shall be lawful for the said Committee, after having examined the statements contained in the said memorial, and the plans, specification and estimate for enlarging or establishing the school, and the title to the proposed site, and having approved thereof, to cause a statement to be drawn up and sealed with their seal as to the facts alleged in the said memorial; and forthwith to send such statement, together with the plans and estimate, to the Clerk to the Justices of the Peace of the division within which such place is situated, with directions to lay the same before the said Justices at their next meeting in Petty Sessions; and upon the receipt thereof the said Justices shall appoint a day at a period not less than *Three* Weeks, nor more than *Five* Weeks distant, for taking the same into consideration; and the said Clerk to the Justices shall give notice thereof to all the Justices usually attending the Petty Sessions of such

such division, and shall cause a notice thereof to be affixed upon the churches and chapels of the said place on every Sunday during the interval; and on the day so appointed, the Justices shall make inquiry as to the necessity of the said school in the district,
 5 and shall hear any evidence that may be tendered to them as to the same being necessary or unnecessary, and shall decide the matter according to the best of their judgment, and shall return a report of such their decision in writing, under the hands and seals of any Two or more of them, together with the statement, plans and estimate to
 10 the said Committee.

And be it Enacted, That if the said Justices shall report that the enlargement or erection of such school is necessary; and the said Committee shall deem it proper to advise that a grant be made to the extent of *One-third* of the estimated cost, it shall be lawful for
 15 the said Committee to issue a certificate under the hand of the Lord President of the Council or other Chairman of the said Committee for the time being, sealed with their seal in the form No. IV. in the Schedule hereunto annexed, marked (E.), to the trustees of the said intended school, authorizing them to borrow the requisite amount, not
 20 exceeding *One-third* part of the estimated cost of the enlargement or erection of the said school, upon the terms of repaying the same by annual instalments not exceeding *Ten*; and it shall be lawful for the Commissioners for the Issue of Loans for Public Works, Fisheries, and other purposes, upon an application from the major part of the
 25 said Trustees, to advance any sum of money, not exceeding the amount mentioned in the said certificate, to the said Trustees for the purposes of this Act, and such Trustees who shall obtain any sum of money upon Loan for such purposes as aforesaid from the said Commissioners or from any company or person, shall secure the repayment thereof, by executing a charge in the form No. V. in the
 30 Schedule hereunto annexed, marked (E.); and when such district is a place separately maintaining its own poor, the overseers thereof shall pay the annual instalments of the said loan, together with the interest due in respect of such loan, and the amount, if any, to be thereafter required towards the future maintenance of the said
 35 school out of the rates levied by them for the relief of the poor: Provided, That nothing herein contained shall be deemed to prevent the said Committee of Council from advising a grant to be made of *One moiety* of the cost of the enlargement or erection of a school for the
 40 purposes of this Act, where the other moiety shall have been raised by voluntary subscriptions or contributions.

65.
 Loan for the deficiency to be obtained from the Commissioners of Loans for Public Works,

And be it Enacted, That where the place for which the school shall be proposed shall be a district, comprising part of a place separately
 82. D maintaining

66.
 Provision for a School required for a

place not
separately
maintaining
its own Poor.

maintaining its own poor, or parts of several parishes, townships, chapelries, or ecclesiastical districts, it shall be lawful for the said Committee of Council, on receipt of a memorial from a moiety at least of the officiating ministers, and not less than *Six* householders, *Two* of whom shall be occupiers of Factories, in such place, if they shall deem it advisable, to send an Inspector of Schools appointed for the purposes of this Act to examine into the necessity of the enlargement or erection of such school, and to determine the boundary of such district, and if necessary, to estimate the amount of the population, and the annual value of the property, in the several parts of such district, and to report thereon to the said Committee, having full power for this purpose to inspect every parochial rate, assessment, valuation, map, survey or plan, of the place or places to which his inquiry extends, and to make copies or extracts from the same; and the said Inspector shall give notice by advertisement in One or more public newspapers circulating in the said proposed district, of the day, hour and place, when and where the inquiry shall be commenced; and if the said Committee, after receiving such report, shall think proper, they shall define the boundaries of the said district, and shall cause a copy of the description of the boundary to be sent to the memorialists; and thereupon the like proceedings may be had and taken in all respects and subject to all the provisions hereinbefore contained as may be had and taken in respect to the enlargement or erection of a school, intended for a place separately maintaining its own poor, and to the obtaining of a loan towards the expenses of the site and buildings of such school: Provided, That if the district shall be in two or more petty sessional divisions, the Lords of the said Committee may cause the inquiry as to the necessity of such school, to be determined by the Justices of such one of these petty sessional divisions as they may think fit.

67.

Charge of the
cost.

And be it Enacted, That where the district shall comprise a part only of a place separately maintaining its own poor, such part alone shall be liable to contribute toward the cost and future maintenance of the said school; and where several such places, or several parts thereof, shall be combined, the said Committee shall by an order under their seal declare the proportions in which the several parts shall contribute towards the payment of the cost of the enlargement or the erection of the said school, and the future maintenance thereof, regard being had to the population and annual value of the property in each part, and shall also declare the number of Trustees, not exceeding *Four* in the whole, to be chosen for each part, in the manner hereinbefore set forth.

68.

How the
Charges are
to be raised.

And be it Enacted, That when by virtue of any certificate of the said Committee of Council, to be given under the provisions of this Act,

Act, any place shall be assigned for the maintenance of a school which separately maintains its own poor, the Overseers thereof shall pay the sums of money which shall be required by them, as hereinafter provided, out of the rates raised by them for the relief of the

5 poor of such place ; and when the whole or any portion of the cost of the maintenance, or of the enlargement or erection and maintenance of a school is under any such certificate or order of the said Committee as aforesaid, to be raised from any part only of a place separately maintaining its own poor, the Overseers of the poor of the

10 place of which it is a part shall cause the same to be assessed upon the persons liable in such part to the payment of the poor-rate, in proportion to their assessment to such rate, and shall collect the same from such persons, and shall have all the powers, authorities, protections and immunities in respect to such assessment and collection

15 as they now have by law in respect to the assessment and collection of the poor-rates.

And be it Enacted, That the site of any school to be provided under the authority of this statute shall, when any conveyance shall hereafter be required, be conveyed to a corporate body, to be termed

20 "The Trustees of the District School," the said Committee of Council supplying the name of the place for which it shall be provided, and shall be held by such Trustees as such corporate body, to them and their successors : Provided, That the said Trustees shall only be a corporate body for the purpose of holding the site of such

25 school-buildings and the endowment thereof, and of suing or being sued, or prosecuting in any proceeding in respect thereof.

69.
Conveyance
of the Site.

And be it Enacted, That when the said Committee of Council shall be satisfied that any new school shall have been fully completed and rendered fit for the purposes of education, or shall have given the

30 Trustees of any existing or future school the certificate hereinbefore referred to, the said Committee shall report the same to the Factory Inspectors, who shall notify the same to the occupier of every Factory situated within *Two Miles* of such school.

70.
Notification
to be given at
the School.

And be it Enacted, That, save as hereinafter provided, whenever

35 any school of which such report shall have been made by the said Committee, shall be situated within *Two Miles* of any Factory, no child whose place of residence is within *Two Miles* from the said school shall be employed for a longer period than *One Week* at that Factory, without a certificate to be given by the Master of such school or by the Master of some other school of which a similar report shall have been made, in the manner hereinbefore provided.

71.
Certificate
to be given
from such
School only.

72.
Except from
a National or
British and
Foreign
School.

Provided always, and be it Enacted, That if any school in union with the "Incorporated National Society for promoting the Education of the Poor in the Principles of the Established Church," or in connexion with and acting upon the principles of the society commonly known as "The British and Foreign School Society," does now or hereafter may exist in any parish or ecclesiastical district containing a school according to the provisions of this Act, or within *Two Miles* of any Factory in such district, a certificate of school attendance from the Master of such school shall be valid, provided such school be efficiently conducted.

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73.
Or a School
provided by
the Owner or
Occupier of
a Factory.

And be it Enacted, That whenever an Inspector of Schools shall report that the owner or occupier of any Factory has erected or maintains a school in connexion with his Factory, that the Holy Scriptures, in the version appointed by law to be used in Churches, are taught therein, and that the school accommodation, furniture and apparatus are sufficient, and that the school is efficiently conducted, the said Committee of Council may, if they are satisfied with the constitution of such school, certify the same to the Factory Inspectors, and thenceforth, until such committee shall otherwise by order direct, a certificate of attendance from the Master of such school shall be valid for the employment of the children in the said Factory; but no child who is a member of the Church of England shall be required to attend such school, unless provision be made therein for the instruction of such child in the Catechism and Liturgy of the Established Church.

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74.
Or a Roman
Catholic
School.

And be it Enacted, That every child brought up in the Roman Catholic faith may attend a Roman Catholic school, when so required by its parent, and a certificate of attendance from the master of such school shall be valid for the employment of such child in a Factory, provided such school be efficiently conducted; and in schools for the education of children in the Roman Catholic faith, no Inspector of Schools shall inquire into the religious instruction given in such schools, nor examine the children in such religious instruction, nor make any report thereon.

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75.
Annual
Audit of
Accounts by
an Inspector
of Schools.

And be it Enacted, That the Trustees of every school who under any provision of this Act may be authorized to call for any contribution, from any place or places, towards the maintenance thereof, shall make an examination *Once* in every Three Months, into the state of the said school, and of the scholars thereat, and of the accounts of the said school, and shall enter the particulars of that examination in books to be kept by them for that purpose; and some time in the Three Months next after Christmas in every year, the said school shall be examined by an Inspector of Schools appointed for the purposes of this

35

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Act;

- Act; and the accounts of the said school shall be audited and the books aforesaid shall be examined by him at the said school, after public notice, in writing, shall have been given by him, by causing the same to be affixed in those places in which parochial notices are usually affixed
- 5 *Seven Days* at the least before the day of holding such audit; and at such audit he shall hear and examine into every complaint which may be made by any rate-payer of the district, in respect of the discipline and management of the said school, and the receipts, disbursements and expenditure thereof, and shall ascertain the income of
- 10 the school from the school fees, subscriptions, bequests and every other source of income, and the several items of expenditure, and determine the balance upon such auditing and accounting, and shall estimate what amount, if any, will be required to supply the deficiency of funds for the school during the ensuing year; and he shall forthwith
- 15 transmit his report and estimate to the said Committee, who shall be empowered to issue an order sealed with their seal, directed to the Trustees of the said school, requiring them to procure such sum as shall be mentioned in such order, from the place or places liable to contribute towards the maintenance of the said school; and there-
- 20 upon the said Trustees shall issue a precept in the form No. VI., contained in the Schedule hereunto annexed, marked (E.), to the Overseers of the poor of the parish or township to which the place or places liable as aforesaid shall belong, who shall forthwith assess, collect, pay and discharge the same, according to the provisions
- 25 hereinbefore contained: Provided nevertheless, That nothing herein contained shall authorize the raising of any rate for the maintenance of a school under the provisions of this Act, to a higher amount than
- pence in the pound during One Year, upon the value of the property situated within the district assigned to such school, and
- 30 assessable to the poor-rate.

Committee of Council may order amount required towards the Maintenance of the School.

- And be it Enacted, That no order or certificate of the said Committee of Council issued under the provisions of this Act shall be made at any meeting whereat less than *Three* members shall be present; and the said Committee shall cause a seal of their office to be
- 35 made for the purposes of this Act, and every copy of an order or certificate issued by the said Committee under this Act, purporting to be sealed with the seal of the said Committee, shall be received in all courts, and in all proceedings as evidence of the due making and issuing of such order or certificate, without further proof of those
- 40 facts; and no order of the said Committee shall be removed by certiorari or otherwise into any of Her Majesty's Courts of Record at Westminster.

76.
Committee of Council to procure a Seal. Copies of their Orders purporting to be sealed made Evidence.

And be it Enacted, That all the provisions contained in the Act passed in the fifth year of the reign of Her Majesty, intituled, "An Act to afford further Facilities for the Conveyance and Endowment of

77.
Provisions of 4 & 5 Vict., c. 38, extended to this Act.

Sites for Schools," not inconsistent with any thing herein provided, shall be applicable to the schools, and the Masters thereof, to which this Act shall extend.

78.
Provisions
for establish-
ing Schools
not to apply
to Scotland or
Ireland.

And be it Enacted, That the provisions in this Act, relating to the establishment of any new school or the alteration of the constitution of any existing school, shall not apply to Scotland or Ireland. 5

79.
Prosecution
for Compens-
ation by an
Inspector.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, with the consent of the party injured, or, in the case of an infant, with the consent of his parent, and on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such Inspector to have received any bodily injury from the machinery in any Factory, for the recovery of damages for and on behalf of such person. 10

80.
Application of
Compensation
when reco-
vered.

And be it Enacted, That any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person in such manner as shall be approved of by the Secretary of State; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the Inspector, as he might have had against the plaintiff, and all charges and expenses incurred in bringing any such action, beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act. 15 20 25

81.
Occupier of
the Factory
to be liable
in the first
instance.

And be it Enacted, That the occupier of any Factory in which any offence against this Act has been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant or workman, whom he shall charge as the actual offender, brought by summons before the Justice at the time appointed for hearing the complaint made against him by the Inspector or Sub-Inspector; and if after the commission of the offence has been proved, the occupier of the Factory shall prove, to the satisfaction of the Justice, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant or workman had committed the 30 35

the offence in question, without his knowledge, consent or connivance, the said agent, servant or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the Factory; and the payment of such penalty and costs shall be enforced against the agent,
 5 servant or workman, in like manner as penalties are made recoverable by this Act: Provided, That when it shall be made to appear to the satisfaction of the Inspector or Sub-Inspector, at the time of discovering the offence, that the occupier of the Factory had used all due diligence to enforce the execution of this Act, and also by what person such offence
 10 had been committed, and also that it had been committed without the personal consent, connivance or knowledge of the occupier, or in contravention of his orders, then the Inspector or Sub-Inspector may proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the
 15 occupier of the Factory.

And be it Enacted, That all complaints for offences against this Act shall be preferred within *Two* Months next after the commission of the offence, except in the case of complaints for working on Christmas-day, Good Friday or the Sacramental Fast-days,
 20 or for not giving all or any of the *Eight* half-days for holidays required to be given, when the complaints may be preferred within *Three* Months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty
 25 hereinafter named for such offence, unless such repetition of offence shall have been committed after notice has been given to such party of the intention to prefer a complaint for the previous offence, and except also any repetition of offences against *Two* or more children or young persons, as hereinafter specially provided.

And be it Enacted, That all proceedings for the enforcement of any penalty under this Act may be had before any Justice of the Peace acting for the county or other jurisdiction wherein the offence was committed, or before any Justice of any adjoining county or jurisdiction, provided that the place of hearing the complaint in such other
 35 county or jurisdiction be not more than *Five* miles from the place where the offence was committed; and the Justice by whom any person shall be fined for any offence against this Act may order that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately
 40 or within such time as the said Justice shall think fit; and in default of payment thereof, the Justice may cause the same to be levied by distress and sale of the goods and chattels of the party convicted, together with the reasonable costs and charges of such distress and sale, by warrant under the hand and seal of any such Justice; and where the warrant of distress is directed against the goods and

82.

Complaints to be preferred within Two Months.

83.

Proceedings under this Act may be had before any Justice. Penalties may be recovered as in 5 G. 4, c. 18.

Power of distraining goods

in Factory
where Occu-
pier is con-
victed.

chattels of any person being the occupier of a Factory, it shall be law-
ful under such warrant to distrain any goods and chattels found in the
said Factory which would be liable to be distrained for rent in arrear.

84.
Issue of
Summons for
Offences
against Act.

And be it Enacted, That in England and Ireland, a summons
for an offence against this Act shall be issued by any Justice, upon 5
complaint being made to him in writing by an Inspector or Sub-
Inspector, or upon oath before him by any other person, that
to the best of the knowledge and belief of the Inspector, Sub-In-
specter or such other perons, such an offence has been committed ;
and in Scotland, a summons for an offence against this Act shall be 10
issued by any Justice, upon complaint being made to him in writing
by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by
any person having a title and interest to prosecute with the concur-
rence of the Procurator Fiscal, that to the best of the knowledge and
belief of the Inspector, Sub-Inspector, Procurator Fiscal or such other 15
person such an offence has been committed ; and in every such prose-
cution in Scotland the proceedings shall be summary, and it shall not
be necessary to take down in writing more than the substance of the
evidence ; and no higher or other fees shall be allowed to the Clerk of
Court or Constables, than are allowed to be paid to the Sheriff Clerk 20
and Sheriff Officers in causes and prosecutions under the authority of
an Act passed in the tenth year of the reign of King GEORGE the
Fourth, intituled, “ An Act for the more effectual Recovery of Small
Debts, and for diminishing the Expenses of Litigation in Causes of
Small Amount in the Sheriff Courts in Scotland.” 25

10 Geo. 4,
c. 55.

85.
Compelling
Parties to
appear and
bring Re-
gister,

And be it Enacted, That every person who shall be summoned to
answer any complaint shall be bound to appear at the time and place
mentioned in the summons, and to produce before the Justice every
register, or other account, paper or notice, required by this Act to be
kept by him or his agent, which shall be mentioned in the summons ; 30
and if he shall not appear accordingly, then (upon proof of due service
of the summons) the Justice may either hear and determine the case in
his absence, or issue his warrant, as hereinafter provided, for enforcing
his attendance and the attendance of any witness who shall refuse or
neglect to appear. 35

86.
Inspectors and
Sub-Inspect-
ors competent
Witnesses.

And be it Enacted, That it shall be no objection to the competency of
any Inspector or Sub-Inspector to give evidence as a witness in any
prosecution under this Act that it is brought at the instance of such
Inspector or Sub-Inspector.

87.
Justices
may enforce
attendance of
Witnesses.

And be it Enacted, That any Justice of the Peace, upon any com- 40
plaint under this Act, may summon any witness to appear and give
evidence before him at a time and place appointed for hearing such
complaint,

complaint, and by warrant under his hand and seal may require any person to be brought before him who shall neglect or refuse to appear at the time and place appointed in any summons, proof, upon oath, being first given of personal service of the summons upon the person against
 5 whom such warrant shall be granted, and may commit any person coming or brought before him, who shall refuse to give evidence, to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding *One Month*, or until such person shall sooner submit himself to be examined ; and in case
 10 of such submission, the order of any Justice shall be a sufficient warrant to any gaoler or prison-keeper for the discharge of such person.

And be it Enacted, That every Inspector and Sub-Inspector shall be empowered to summon before a Justice of the Peace any person whom he shall charge with having offended against this Act, and also all wit-
 15 nesses who may be needed to give evidence concerning the charge ; and every such summons shall be of the same effect as if issued by a Justice of the Peace, after complaint upon oath before him, and shall be enforced in like manner, and the like proceedings may be had there- upon as if complaint upon oath had been made before such Justice for
 20 such offence ; and every constable and other peace-officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable to be punished as if the summons had been issued by a Justice of the Peace ; and every such summons of an offender or witness may be in
 25 the form provided in each case and given in the Schedule (D.) hereunto annexed ; and the Inspector or Sub-Inspector shall give to the same constable or peace-officer, a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the Clerk of
 30 any such Justice, at least *Twenty-four* Hours before the period named in the summons for the appearance of the party charged with such offence.

88.
 Inspectors
 and Sub-
 Inspectors
 may summon
 Offenders and
 Witnesses.

And be it Enacted, That it shall be sufficient in any summons or other proceeding, upon a complaint for an offence against this Act, to set forth the name of the ostensible occupier, or title of the firm by
 35 which the occupier employing the work-people of the factory may be usually known ; and the service of any summons, order or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving a copy thereof in writing at the dwelling-house of the person to whom
 40 the same shall be addressed, or, in the case of summoning, or giving an order or notice to the occupier of a Factory, or to a Schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post, directed to the occupier of the Factory at the Factory, or to the Schoolmaster at his school.

89.
 In case of
 Partnership,
 One name
 sufficient for
 Summons.

90.
Evidence of
Employment

And be it Enacted, That if any child shall be allowed to enter, or be in any Factory, except at meal-times, or during the stoppage of the whole machinery of the Factory, it shall be evidence that such child was then employed in that Factory ; but yards, play-grounds and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the Factory, in which no machinery is used, or manufacturing process carried on, shall not be taken to be any part of the Factory, with reference to this enactment ; but children and young persons shall be allowed to bring tea or other articles of food to the workers in a Factory, between the hours of *Four* and *Five* of the clock in the afternoon, provided they are not employed in any description of work in the Factory while there, nor allowed to enter any rooms in which any machinery is in motion. 5 10

91.
Penalties for
employing
Children and
young Persons
longer than
allowed by
the Act.

And be it Enacted, That the penalties for employing children and young persons contrary to the provisions of this Act, shall be, 15

For employing a child under the age of *Eight Years*, not less than *Twenty Shillings*, and not more than *Three Pounds*, for each child so employed.

For employing a child more than *Six Hours and Thirty Minutes* in any one day, or when recovering lost time for employing a child more than *Seven Hours and a Half*, or for employing a child after *One* of the clock, who shall have been employed in the same or in any other Factory before *Twelve* of the clock on the same day, or after *Half-past Four* of the clock on the afternoon of Saturday, not less than *Twenty Shillings*, and not more than *Three Pounds*, for each child so employed. 20 25

For employing a child in the night, not less than *Two Pounds*, and not more than *Five Pounds*, for each child so employed.

For employing a young person more than *Twelve Hours* in any one day, or after *Half-past Four* of the clock on the afternoon of Saturday, or in the night, or when recovering lost time for employing a young person more than *Thirteen Hours* within *Twenty-four* consecutive Hours, not less than *Twenty Shillings*, and not more than *Three Pounds*, for each young person so employed. 30 35

For employing a child or a young person without the proper surgical certificate, or whom the employer shall know to be of less age than that certified, in any manner forbidden by this Act, or for employing a child without the school certificate required by this Act, not less than *Twenty Shillings*, and not more than *Three Pounds*, for every child or young person so employed.

For

For not allowing the times for meals required by this Act, or in the manner hereinbefore provided for the meal-times, or for allowing to a child or young person less than the amount of holidays as hereinbefore provided, or for employing a child
 5 or young person in England or Ireland on Christmas-day or Good Friday, or for employing a child or young person in Scotland on any day set apart by the Church for the observance of the Sacramental Fast in the parish in which the Factory is situated, not less than *Twenty Shillings*, and not more than
 10 *Three Pounds*, for each child or young person so employed.

For employing any child or young person during meal-time, or for allowing any child or young person to remain in any room, during meal-time, in which any machinery is in motion, or any kind of work carried on, not less than *Ten Shillings*,
 15 and not more than *Two Pounds*, for each child and young person so employed or allowed to remain in any room.

And be it Enacted, That the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by this Act, shall be liable to a
 20 penalty of not less than *Ten Shillings*, and not more than *Twenty Shillings*, for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such employment has been without the consent, connivance or wilful default of such parent or person so benefited.

92.
Penalty on parents for allowing children to be employed contrary to this Act.

And be it Enacted, That the parent, or other person having any direct benefit from the wages of any child employed in a Factory, who shall neglect to cause such child to attend school as hereinbefore provided, shall be liable to a penalty of not less than *One Shilling*, and
 25 not more than *Ten Shillings*, for every day less than the full number of days during which such child ought to have attended school in any
 30 week, such child not having been absent from any of the causes for which non-attendance at school is excused as hereinbefore provided.

93.
Penalties on Parents or Guardians for not sending Children to School.

And be it Enacted, That the penalty for not paying the school fees to the person and at the time required by the direction of the Inspector,
 35 shall be not less than *Twenty Shillings*, and not more than *Five Pounds*, over and above the fee which shall be due.

94.
Penalty for not paying the School Fee.

And be it Enacted, That the penalty for not paying the surgical fees to the person, and at the time required by the direction of the Inspector, shall be not less than *Twenty Shillings*, and not more than
Five Pounds, over and above the fees which shall be due.

95.
Penalty for not paying Surgical Fees.

96.
Penalty for
not regulating
Clocks.

And be it Enacted, That the penalty for not regulating the times for the employment of children and young persons in the Factory, by a clock, in the manner hereinbefore provided, or not declaring in the register the clock by which the employment is regulated, or for knowingly altering the time of the said clock, from the real time of the day at the place where the factory is situated, shall not be less than *Two Pounds*, and not more than *Five Pounds*.

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97.
Penalty for
not lime-
washing the
Factory.

And be it Enacted, That the penalty for not lime-washing the walls, passages, staircases, and ceilings or tops of rooms, of a Factory within the period prescribed by the Act, or for not washing, as hereinbefore provided, the inside walls, and ceilings or tops of rooms, which are painted with oil, shall not be less than *Three* nor more than *Ten Pounds*, and not less than *Two Pounds* additional penalty for every month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms, to remain without being lime-washed or washed as aforesaid, after being convicted of this offence.

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98.
Penalty for
cleaning
Machinery
while in
motion.

And be it Enacted, That the penalty for cleaning machinery hereinbefore prohibited from being cleaned while in motion, or allowing the same to be cleaned, or allowing any child or young person to work between the fixed and traversing parts of a self-acting machine, contrary to the provisions of this Act, shall be not less than *Ten Shillings* and not more than *Five Pounds*.

20

99.
Penalty for
not guarding
Machinery.

And be it Enacted, That the penalty for not guarding in the manner required the several parts of the machinery and wheelrace required by this Act to be guarded, shall be not less than *Five Pounds* and not more than *Twenty Pounds*.

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100.
Penalty for
not giving
notice of
accident.

And be it Enacted, That the penalty for not giving notice to the certifying Surgeon of the district of any accident arising from the machinery, which may occur in a Factory, as hereinbefore required, shall be not less than *Five Pounds* and not more than *Twenty Pounds*.

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101.
Penalty for
not fencing off
dangerous
Machinery,
after Notice.

And be it Enacted, That if any person shall suffer any bodily injury, in consequence of the occupier of a Factory having neglected to guard any part of the machinery in the Factory, of which he shall have received notice in writing from an Inspector or Sub-Inspector that the Inspector or Sub-Inspector deemed the same to be dangerous, the occupier of such Factory shall pay a penalty not less than *Ten Pounds*, and not more than *One hundred Pounds*; and the whole or any part of such penalty may be applied for the benefit of the injured person; or, otherwise, as the Secretary of State shall determine; and so much

35

of

of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act.

And be it Enacted, That the penalty for not keeping any register, certificate, account, paper or notice in the form required by this Act, or for not fixing up any notice required by this Act, or for not producing the said register, certificate or other document, when required, to the Inspector or Sub-Inspector, or for not delivering or causing to be delivered or sent to an Inspector or other person, in each case provided, any document required by this Act, or who shall refuse or neglect, when required, to sign any duplicate copy of any notice he may receive, shall be not less than *Two Pounds*, and not more than *Five Pounds*.

102.
Penalty for
not keeping
Registers, &c.

And be it Enacted, That every person who, on the hearing of any complaint for an offence against this Act, shall wilfully neglect or refuse to produce before the Justice any register, account, paper or notice which he shall have been summoned to produce, may be fined by the Justice in any sum not less than *Two Pounds* and not more than *Five Pounds*.

103.
Penalty for
not producing
Books, &c.

And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-Inspector, or Inspector of Schools in the execution of any of the powers intrusted to him by this Act, shall be liable, for each offence, to a fine of not less than *Three Pounds* and not more than *Ten Pounds*.

104.
Penalty for
obstructing
Inspectors.

And be it Enacted, That every person convicted before any Justice of the Peace of making, giving, signing, countersigning or making use of any certificate authorized or required by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false certificate, or any false entry in any register, or any other account, paper or notice required by this Act, and also every person convicted of wilfully giving false evidence, or making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty, not less than *Five Pounds* and not more than *Twenty Pounds*, or to be imprisoned for any time, not more than *Six Months*, in the house of correction in the county, town or place where the offence was committed.

105.
Offences
which shall be
punishable
by Fine or Im-
prisonment.

And be it Enacted, That the penalty for any offence against this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than *Two Pounds* and not more than *Five Pounds*.

106.
Penalty for
Offences not
otherwise
specified.

And be it Enacted, That every person who shall be convicted *Twice* within *Twelve Months* for an offence of the same kind against this Act, shall pay for his second offence any sum not less than *One-*

107.
Penalty in
case of second
and subse-
quent Con-
victions.

half of the highest penalty for that offence ; and if convicted *Three* times within *Twelve* Months for an offence of the same kind, he shall pay not less than *Two-thirds* of the highest penalty ; and if convicted more than *Three* times for an offence of the same kind, he shall pay the highest penalty ; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offences have been committed after notice has been given of the intention to prefer a complaint for the previous offences ; and in any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than *One hundred Pounds*, the sum of *One hundred Pounds*, together with all the reasonable costs and charges of such proceedings and convictions, may be paid instead of the penalties for all the offences committed by him before the day on which the last summons was taken out against him.

108.

How former
Conviction
may be
proved.

And be it Enacted, That any Justice before whom any person shall be convicted of any offence against this Act, or any person acting as Clerk to the Justices where such conviction shall have taken place, or the Clerk of the Peace where such conviction shall have been filed, shall, upon the request in writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy ; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act, provided that such conviction shall take place within *Twenty-four* Months preceding the day when the person named in the conviction shall be convicted of another offence.

109.

Application
of Penalties.

And be it Enacted, That all penalties for any offence against either of the Acts hereby repealed, which shall not have been otherwise appropriated at the time when this Act shall come into force, and every penalty imposed under this Act, shall be paid, on account of the Inspector for the district in which the penalty was imposed, to such banker as shall be appointed by such Inspector to receive the same ; and every person to whom any penalty shall be paid, shall pay over the amount thereof to the banker so appointed within *Fourteen* Days of receiving the same ; and all such penalties, except in the case hereinbefore provided, shall be applied by such Inspector, under the direction of One of Her Majesty's Principal Secretaries of State, in such manner as shall appear best for the establishment or support of day schools for the education of children employed in Factories.

110.

Convictions
to be filed
amongst
Records of
County.

And be it Enacted, That every conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and

and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the Clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewartry, town or place.

- 5 And be it Enacted, That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at the discretion of the Justice by fine or imprisonment, neither shall any conviction, except as aforesaid, be removable by certiorari or bill of advocation, into any Court whatever ; and no information, conviction or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time and place intended shall have been so stated as to have been, in the opinion of the Justice, clearly understood by the person charged with such offence ; and it shall not be necessary, in any information, conviction or other proceeding under this Act, to define the processes carried on in such Factory, or nature of the power by which the machinery of such Factory is moved, or to set out that the Factory or process or employment referred to is not within any of the cases excepted, provided that it be therein stated that such Factory is a Factory within this Act ; and the proof of being within any such excepted cases shall lie upon the party claiming the benefit of such exception.

111.
No Appeal
from Convictions.

- 30 And be it Enacted, That in all cases in which a Justice of the Peace is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and is hereby required to exercise the same in Scotland ; but no Justice of the Peace or Burgh Magistrate, having a beneficial interest in or being an occupier of any Factory, or being the father, son or brother of the occupier of a Factory, shall act as a Justice of the Peace under this Act.

112.
Burgh Magistrates in Scotland to exercise same Powers as Justices of Peace in England.

And be it Enacted, That no conveyance, order, certificate, charge, deed, precept, agreement, document or paper given under the authority of and for the purposes of this Act, shall be liable to the payment of any stamp duty.

113.
Exemption
from Stamps.

And be it Enacted, That this Act shall commence and come into force on the *First day of October in the year One thousand eight hundred*
82. E 4

114.
Commencement of Act.

dred and Forty-three, except as to the powers granted by this Act to make any appointments, or to determine any duties, or to make any regulations, or to fix any salaries in the manner hereinbefore provided, which powers shall come into force on the *passing of this Act*; but no other provisions contained in this Act shall be of any force until the *First day of October in the year One thousand eight hundred and Forty-three*.

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115.
Act may be
repealed or
amended.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)—CERTIFICATES.

*(To be written or printed on white Paper.)**Factories Regulation Act, Victoria, c.*

CERTIFICATE of AGE for a CHILD to be employed in the Factory of
situated at in

I, of duly appointed a certifying Surgeon, No. _____
do hereby certify, That son [or, daughter] of and
residing in has been personally examined by me
this day of One thousand eight hundred and
and that the said child has the ordinary strength and appearance of a child of at least
Eight years of age, and that I believe the real age of the said child to be at least EIGHT
years; and that the said child is not incapacitated, by disease or bodily infirmity, from
working daily in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

*(To be written or printed on coloured Paper.)**Factories Regulation Act, Victoria, c.*

CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of
situated at in

I, of duly appointed a certifying Surgeon, No. _____
do hereby certify, That son [or, daughter] of and
residing in has been personally examined
by me, this day of One
thousand eight hundred and and that the said young person has the ordinary
strength and appearance of a young person of at least Thirteen years of age, and that I
believe the real age of the said young person to be at least THIRTEEN years; and that the
said young person is not incapacitated, by disease or bodily infirmity, from working daily
in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given in either case by any Practitioner who is
not a certifying Surgeon must be the same as the corresponding Form above given,
omitting the words "duly appointed a certifying Surgeon," and substituting the words
"duly authorized by the University [or, College, or other public body having authority in
that behalf] of to practise Surgery [or, Medicine],"
and making the following addition, which must be signed by a Justice of the Peace
or Burgh Magistrate :—

The child [or, young person] named in the above-written certificate has been this day
brought before me, and the appearance of the said child [or, young person] agrees with
the description therein given; and I believe the real age of the said child [or, young
person]

person] to be at least [*here insert the word "Eight" in the case of a child, or "Thirteen" in the case of a young person*], years; and I declare, that I have no beneficial interest in and am not the Occupier of any Factory, and that I am not the Father, Son or Brother of the Occupier of any Factory.

[illegible]

In every Surgical Certificate of Age, the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any Certificates, authorized by this Act to be received as proof of the age of any persons, shall be obtained by the occupier of a Factory or his agent, they shall be fixed in a book, to be called "THE AGE CERTIFICATE BOOK," in the order of the dates at which they shall have been respectively received; and such Certificate shall be numbered in the order in which they are so fixed in the book; but the Certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book; and shall be marked with a series of running numbers distinct from that of the Certificates for young persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the number hereinbefore required to be set against each Certificate shall be set against the name of the child or young person for whom such Certificate has been granted, in the first column of the Register of the persons employed, required by this Act, to be kept in each Factory. And if the Certificate be a copy of the entry in any Register of the Birth or Baptism of a child or young person, the letter (B.) shall be affixed to the number required to be entered in the aforesaid Factory Register.

If a Surgeon shall have refused to grant a Certificate of Age to any child or young person, the word "Refused" shall be written in the column of the Register where the numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon,
do hereby declare, that _____ son [or, daughter] of _____
residing in _____ has been personally examined by me, this _____
day of _____ One thousand eight hundred and _____ and that in my
opinion the said [child, or, young person] has not the ordinary strength and appearance
[of a child of at least Eight years of age (or, of a young person of at least Thirteen years
of age) or (or, and) is incapacitated by disease and bodily infirmity from working daily in
a Factory, for the time allowed by this Act.]

(signed) _____ Certifying Surgeon.

N. B.—The words within Brackets shall be in the hand-writing of the certifying Surgeon, who shall insert the reason of his refusal, to be either on account of deficient age, or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I hereby certify, That the undermentioned child [or, children] employed in the
Factory of _____ situated in _____ has [or, have] attended the
School kept by me at _____ for the number of hours, and at the time on
each day specified in the columns opposite to his [her, or their] name [or, names] during
the week ending on Saturday the _____ day of _____ One thousand
eight hundred and _____, and that the causes of absence stated are true to the
best of my belief.

Name of Child.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Causes of Absence.
	Time.	Time.	Time.	Time.	Time.	Time.	
	From To	From To	From To	From To	From To	From To	

(signed) Schoolmaster, [or, Schoolmistress.]
the day of 18 .

Under the column headed "Time," the periods of the day that each child attends school shall be stated; as thus, from 9 to 12, or from 2 to 5, or any other time, as the case may be,—and all the children employed in the same Factory who attend school *before* One of the clock in the afternoon shall be entered together, distinct from those who attend school *after* One of the clock.

If the child has been absent, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be also inserted, so far as the same can be ascertained; and when any day has been a holiday at the school, the word "*Holiday*" shall be entered in the column of the day.

All School Certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "*THE SCHOOL CERTIFICATE BOOK*," in the order of their respective dates. Copies of the above Forms may be bound together in a book for each Factory.

SCHEDULE (B.)—REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

LIST of Young Persons employed in this Factory.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed, insert opposite the Name the word "Left;" and when any Male Person completes his Eighteenth Year, or any Female Person completes her Twenty-first Year of Age, the word "Adult."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of all young persons employed in the Factory, to be entered as they are engaged to work, whether for the first time or, after having left, when they are re-engaged to work; and no young persons shall be employed in any manner, or for any part of a day, whether they are to receive wages or not, until after the christian and surname of each, and the date of the first day of employment or re-employment of such young person, shall have been entered in this Register.

At the beginning of this Register shall be inserted—

1. The name of the Occupier or Firm.
2. The name of the Factory, the place, township, parish and county where it is situate, and the post-office to which the Occupier desires his letters to be directed.
3. The nature of the work carried on.
4. The nature of the moving power, and the amount thereof, expressed in the amount of horse power.
5. The clock by which the employment of the workers in his Factory is regulated.

Every alteration in any of the above particulars shall be inserted within Three Days after the alteration shall have been made.

6. The holidays and half-holidays which shall have been given in conformity with this Act shall be recorded together in a distinct place in this Register.

7. The dates when the several parts of a Factory shall have been limewashed or painted in oil, and, when painted in oil, the dates of their having been washed as required by this Act, shall be recorded in a distinct place in this Register within Six days after they have been so limewashed, painted or washed; and this declaration of the times of limewashing, painting, and washing, shall be signed by the mill-occupier or his principal agent.

8. The Visits of the Certifying Surgeon to the Factory shall be recorded in this Register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no child or young person in the Factory to be examined at the time of his visit, he shall insert in this column the word "None."

† If none be granted, he shall insert the word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under 13 Years of Age are employed.

NAMES of the Children employed in this Factory before Twelve o'Clock at Noon, or
THE MORNING SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Afternoon Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

NAMES of the Children employed in this Factory after One o'Clock in the Afternoon, or
THE AFTERNOON SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Morning Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of all children under 13 years of age employed in the Factory, to be entered as they are engaged to work, whether for the first time, or, after having left, when they are re-engaged to work; and no children shall be employed in any manner, or for any part of a day, whether they are to receive wages or not, until after the christian and surname of each, and the date of the first day of employment or re-employment of the child, shall have been entered in this Register.

If any child be removed from the Morning Set to the Afternoon Set, or *vice versa*, the name of such child must be entered as a new comer in the Register for the Set to which it is removed, and the number of its Certificate of Age must be placed against its name, but no new Certificate shall be required for such child.

If the Mill Occupier desires to change the time of working of the two entire sets of children at stated periods, (as for instance) to make a change on the First of every month, so that the children who worked in the Morning one month shall work in the Afternoon the next month, and *vice versa* for the other children, alternately throughout the year, it will not be necessary to enter the names of the children anew; but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration; in addition to the other details hereinbefore required:—

1. The Children entered in this Register, as belonging to the MORNING SET, work in this Factory before Twelve o'clock, and not after One o'clock, in the months of—
JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;
and after One o'clock, and not before Twelve o'clock, in the months of—
FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.
2. The Children entered in this Register, as belonging to the AFTERNOON SET, work in this Factory after One o'clock, and not before Twelve o'clock, in the months of—
JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;
and before Twelve o'clock, and not after One o'clock, in the months of—
FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

Signature of _____

Occupier or Agent.

A change in the time of working of the two entire sets of children may be made at any other stated periods, provided the necessary alterations be made in the above declaration, to the satisfaction of the Inspector or Sub-Inspector of the district,

In all mills where more than 20 children or young persons are employed, the names of such children or young persons shall be kept in their respective Registers in alphabetical order, according to the first letter of the surname, or they may be entered successively as engaged, provided there be kept, in a separate book, an alphabetical Index of Reference to the Surgical Certificates.

All the Forms contained in this Schedule (B.) which shall be applicable to any particular Factory, shall be bound together in one book, except the alphabetical Index of Reference, hereinbefore referred to.

SCHEDULE (C.)—NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Hours of Work of all Young Persons employed in the Factory.

The Hours of Work of all Young Persons employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hour.
*	From	To	From	To	From	To	From	To	
	—		—		—		—		

* In this space the Days of the Week to which the hours of work refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The TIMES allowed for MEALS in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
*	From	to	From	to	From	to
	"	"	"	"	"	"
	"	"	"	"	"	"

* In this space the Days to which the meal hours refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Hours of Work when Adults, that is to say, Male Persons above 18 Years of Age, or Female Persons above 21 Years of Age are employed at any other Periods of the Day than the Hours fixed up for the Work of Young Persons, or during the Night.

he Hours of Work for Adults employed in this Factory, who work at Periods of the Day different from Young Persons, are as follows :

Days of the Week.	At Night, before the Factory Working Day ; that is, before 6 in the Morning.	During the Factory Working Day ; that is, between 6 in the Morning and 8 in the Evening.				At Night, after the Factory Working Day ; that is, after 8 in the Evening.
		Morning.	Forenoon.	Afternoon.	Evening.	
*	From to	From to	From to	From to	From to	From to

* In this space the Days of the Week to which the hours of work refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any part of Lost Time, as allowed by this Act.

ACCOUNT OF TIME LOST AND RECOVERED.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			H.	M.				H.	M.	

Signature of the Occupier of the Factory or his Agent.

This Notice shall contain a true account of the details specified in the Heading of each column; but no lost time is required to be entered, except such as it may be intended to recover.

The entries of all the details required relating to any time lost or recovered shall be made in this Notice within Three Days after any part of the time shall have been lost or recovered.

All such Notices, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the order of their respective dates, and be open for the examination of any Inspector; and all such Notices shall be kept for Six calendar Months after the lost time entered therein shall have been recovered.

SCHEDULE (D.)—FORMS OF SUMMONSES, NOTICES AND CONVICTION.

FORM of SUMMONS to be issued by an INSPECTOR or SUB-INSPECTOR against a Person who has committed an Offence.

County of }
(or, Borough of) }

To the Constable of

WHEREAS it appeareth to me, I. F., one of Her Majesty's Inspectors (or, Sub-Inspector) of Factories, that A. D. of _____ in the county (or, borough, &c.) of _____ hath offended against the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*); Forasmuch as he the said A. D., on the _____ day of _____ in the year of our Lord _____ at _____ in the county (or, borough, &c.) of _____ did (*here set forth the substance of the charge*): These therefore are to require you forthwith to summon the said A. D. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (or, borough, &c.) of _____ who shall be present at _____ in the county (or, borough, &c.) of _____ on the _____ day of _____ at the hour of _____ in the _____ noon of the same day, to answer to the said charge, and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this _____ day of _____ in the year of our Lord
(signed) I. F., Inspector (or, Sub-Inspector.)

FORM of SUMMONS of a WITNESS to be issued by an INSPECTOR
or SUB-INSPECTOR.

County of }
(or, Borough of)}

To the Constable of

WHEREAS it appeareth to me, I, F., one of Her Majesty's Inspectors (or, Sub-Inspector) of Factories, that A. D. of in the county (or, borough, &c.) of hath offended against the Act made in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*); Forasmuch as he the said A. D., on the day of in the year of our Lord at in the county (or, borough, &c.) of did (*here set forth the substance of the charge*), and that B. P. of in the county (or, borough, &c.) is a material Witness to be examined concerning the said charge: These therefore are to require you forthwith to summon the said B. P. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (or, borough, &c.) of as shall be present at in the county (or, borough, &c.) of on the day of at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand, this day of in the year of our Lord

(signed) I. F., Inspector (or, Sub-Inspector.)

FORM of NOTICE to be given to the Occupier of a Factory by an Inspector or Sub-Inspector, of such Parts of the Machinery in the Factory as appear to him to be dangerous to the Workers, to be arranged, enclosed, boxed off, or secured.

To (*name of Occupier*), Occupier of a (*description of the manufacture*) Factory, situated in the Township of and Parish of and County of

I hereby give you Notice that the following parts of the Machinery in your Mill, namely (*here enumerate the parts*), appear to me to be dangerous, and likely to cause bodily injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely enclosed or guarded. And I hereby further give you Notice, that, by the Act for regulating the labour of Children and Young Persons in Factories (*Vict. c. sect.*), it is provided, that if, after receiving this Notice, you shall neglect or fail to enclose or guard the above-enumerated Machinery, and if any bodily injury shall afterwards be inflicted on any person, in consequence of such neglect or failure, you will be liable to a penalty of *One Hundred Pounds*, over and above all costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand, this day of in the year One thousand eight hundred and

(signed) Inspector (or, Sub-Inspector.)

Given under my hand and seal the day and year above written.

L. S.

SCHEDULE (E.)

No. I.—FORM OF CERTIFICATE OF THE COMMITTEE OF COUNCIL.

+ And inasmuch as the said district comprises several parishes [townships, places, or ecclesiastical districts, *or*, several parts thereof ‡), that is to say and we have caused an estimate to be made of the population and annual value of the property in the several parts thereof, and do hereby define that Trustee shall be appointed in respect of the *Parish* of Trustee shall be appointed in respect of the *Township* of *and so forth.* And we do further determine that

that the said several parts shall be liable to contribute towards the future maintenance of the said School, in the proportions following ; that is to say,

The <i>Parish</i> of	<i>One</i>	part.
The <i>Township</i>	<i>Two</i>	parts.
The part of the <i>Township</i> of	<i>Three</i>	parts.
Given at the Council Office this	day of	One thousand eight hundred

Lord President of the Council,

or,

_____, Chairman of the
Committee of Council on Education
for the time being.

L. S.

(Seal of the Committee of Council on Education.)

No. II.—FORM OF CERTIFICATE OF COMMITTEE OF COUNCIL.

WE, the Lords of the Committee of Council on Education, do hereby certify, that a certain school hath been erected (or, endowed) by voluntary subscriptions wholly (or, with the assistance of a grant authorized by us), at _____ in the _____ of _____; and that by the deed of conveyance of the said school it is declared that the constitution of the same, and the regulation and management thereof, and the education thereat, shall be according to the provision of the Act passed the _____ year of the reign of Queen VICTORIA, for regulating the employment of children and young persons in Factories; and the Trustees of the said school having applied to and informed us that the said school is necessary for the education of children employed in the Factories in the neighbourhood; we have on due inquiry satisfied ourselves of the same, and do hereby assign the following district to be henceforth liable to contribute towards the future maintenance of the said school; that is to say (*here the boundaries of the district are to be set out*); (which said boundaries are more clearly defined in the map hereunto annexed*,) and to such district the said school shall be assigned.

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†And inasmuch as the said district comprises several parishes (townships, places, or, ecclesiastical districts, or, several parts thereof,† that is to say, _____ &c.,) we have caused an estimate to be made of the population and annual value of the property in the several parts thereof; and do hereby define that _____ Trustee shall be appointed in respect of the *Parish* of _____; _____ Trustee shall be appointed in respect of the *Township* of _____, and so forth. And we do hereby further determine that the said several parts shall be liable to contribute towards the future maintenance of the said school in the proportions following; (that is to say)

The <i>Parish</i> of	one	part.
The <i>Township</i> of	two	parts.
The part of the <i>Township</i> of	three	parts.
Given at the Council Office this	day of	One thousand eight hundred

Lord President of the Council,

or,

_____, Chairman of the
Committee of Council on Education
for the time being.

L. S.

(Seal of the Committee of Council on Education.)

No. III.—FORM OF MEMORIAL TO THE COMMITTEE OF COUNCIL FOR ASSISTANCE.

To the Right Honourable the Lords of the Committee of Council on Education.

WE, A. B., an Officiating Minister in the _____ of _____ in the County of _____ and E. F., G. H. &c., being four persons in the said place, who are qualified to be appointed Trustees of the school hereinafter referred to, Do hereby inform the Lords of the Committee of Council on Education that the *erection* of a school for the education of children *working at the Factories* in the said place and its neighbourhood, to be constituted and regulated in the manner detailed in the Act passed in the _____ year of Queen VICTORIA, for the regulating the employment of children and young persons in Factories is necessary for the following reasons (*set them forth*); that a site for the erection of a school has been selected at _____, consisting of (*set forth the quantity*) of land, bounded by (*set forth the parcels*); that a plan has been prepared for the building of the said school, together with a specification and estimate of the cost of the said building, and of the furnishing thereof, which plan, specification and estimate are herewith transmitted; that the cost of the site will be _____, and the cost of the building and furniture of the said school is estimated at _____

and we further inform your Lordships that, after active and diligent exertions, we have raised the sum of _____, by voluntary subscriptions for carrying the same into execution; which sum amounts to one-third at least of the estimated cost of the site, school buildings and furniture of the said school, but is inadequate for the complete providing of the said school. And we do hereby request your Lordships to take the matter of this memorial into your consideration, and to afford such assistance in the same as you shall deem proper, according to the provisions of the law.

As witness our hands this _____ day of _____ One thousand eight hundred and Forty

A. B., Officiating Minister of
E. F., }
G. H., }
I. K., }

(*This form can be readily modified to suit the case of an enlargement of an existing school.*)

No. IV.—FORM OF ORDER OF THE COMMITTEE OF COUNCIL FOR A LOAN.

To the Trustees of the _____ School.

WE, the Lords of the Committee of Council on Education, by virtue of the Statute in this case made and provided, in the _____ year of the reign of Her Majesty Queen VICTORIA, intituled, [*here insert the title of this Act*], Do hereby authorize the Trustees of the _____ school, in the _____ of _____ and County of _____ to borrow the sum of _____ being in amount not exceeding one-third of the estimated cost of the enlargement [*or, erection, as the case may be*], and furnishing of the said School, upon loan, to be repaid by _____ annual instalments.

Given at the Council Office, this _____ day of _____ One thousand eight hundred _____

Lord President of the Council.

or,

Chairman of the
Committee of Council on Education
for the time being.

L. S.

Seal of the Committee of Council on Education.)

No. V.—FORM OF CHARGE BY THE TRUSTEES OF THE SCHOOL.

WHEREAS _____ have, under the authority of
 an Act passed in the _____ year of the reign of Her Majesty Queen
 VICTORIA, for regulating the employment of Children and young Persons in Factories,
 advanced to us, the Trustees of the _____ School, in the
 of _____ in the county of _____ on loan, the sum of
 to be repaid by _____ annual instalments, with interest at the rate of
 per centum per annum. Now we, A. B., C. D., E. F., G. H., &c., being the major part of
 the Trustees of the said School, do hereby charge the repayment of the said loan by
 _____ annual instalments, together with the interest thereof, upon the several
 persons liable by law to contribute thereto in the district following; that is to say [*here set
 out the boundaries of the district.*] And we do hereby direct the first instalment to be paid
 on the _____ day of _____ in the year _____ One thousand
 eight hundred _____

As witness our hands and seals this _____ day of _____ One thousand
 eight hundred _____

Witness, X. Y.

(L. S.)	A. B.	} Trustees of the
(L. S.)	C. D.	
(L. S.)	E. F.	
	&c.	_____ School.

No. VI.—FORM OF PRECEPT OF THE TRUSTEES TO THE OVERSEERS.

To R. S. and T. W., Overseers of the Poor of the
of

WE, A., B., C., D., E., F., &c. being the major part of the Trustees of the _____ School,
 in the _____ of _____ in the County of _____ having received an order under the seal
 of the Committee of Council on Education, requiring us to procure towards the mainte-
 nance of the said school during the current year the sum of _____ from the place [*or,*
places, as the case may be,] liable to contribute thereto, do hereby, in pursuance thereof,
 call upon you, within _____ weeks from the date thereof, to pay the same, *or* to pay
 the sum of _____ being the proportionate sum chargeable upon the whole [*or,*
the part] of your *parish* liable to contribute to the maintenance of the said school, to us at
 _____ or to our Treasurer, _____ at _____

As witness our hands and seals, the _____ day of _____
 One thousand eight hundred _____

(L. S.)	A. B.
(L. S.)	C. D.
(L. S.)	E. F.

Factories.

A

B I L L

For regulating the Employment of Children
and Young Persons in Factories, and for
the better Education of Children in Factory
Districts.

(*Prepared and brought in by*
Sir James Graham and Mr. Manners Sutton.)

Ordered, by The House of Commons, to be Printed,
7 March 1843.

[*Price 7d.*]

82.

Under 8 oz.

1 May 1843.—6 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE.]

For regulating the Employment of Children and Young Persons in Factories, and for the better Education of Children in Factory Districts.

[N. B.—*The Clauses marked (A.) to (R.) were added by the Committee.*]

WHEREAS the Laws for regulating the employment of Children and Young Persons in Factories need amendment; **B**E it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *First day of October in the year One thousand eight hundred and Forty-three*, the Act passed in the forty-second year of his late Majesty GEORGE the Third, intituled, "An Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and in Cotton and other Factories," and the two Acts passed in the fourth year of the reign of his late Majesty, respectively intituled, "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," and "An Act to explain and amend an Act of the last Session of Parliament for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," shall be repealed, except as to any thing theretofore done under the authority or in contravention of the said Acts, or either of them, and except so far as either of them repeals any part of any other Act.

Preamble.

1.
Repeal of
42 G. 3,
c. 73;
3 & 4 W. 4,
c. 103, and
4 & 5 W. 4,
c. 1.

2.
Interpretation
Clause.

Sex.

Number.

"Child."

" Young Person."	of thirteen years ; and the words " Young Person " shall be taken to mean a male person of the age of thirteen years, and under the age of eighteen years ; and a female person of the age of thirteen years,	
" Parent."	and under the age of twenty-one years ; and the word " Parent " shall mean parent, guardian, or person having the legal custody	5
Employment.	of any such child or young person ; and any child or young person who shall work in any Factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed to be employed therein within the meaning of this Act ;	10
" Inspector."	and the words " Inspector " and " Sub-inspector " shall mean respectively an inspector and a sub-inspector of factories ; and the word	
" Agent."	" Agent " shall be taken to mean any manager, foreman, overlooker, clerk or other person, having on behalf of the occupier of any Factory the care or direction thereof, or of any part thereof, or of any person employed therein ; and the word " Master " shall be taken to mean the Head Master and Head Mistress of any School ; and the word	15
" Master."		
" Month."	" Month " shall be taken to mean a calendar month ; and the word	20
" Night."	" Night " shall be taken to mean from eight of the clock in the evening to six of the clock in the following morning ; and the word " Meal-time " shall be taken to mean the time set apart for breakfast, dinner, bagging, tea and supper ; and the words " Mill-gearing " shall be taken to comprehend every shaft, whether upright, oblique or horizontal, and every cog or stud-wheel, and every drum or pulley which are severally used to communicate the motion from the first moving power to any machine appertaining to the manufacturing processes ; and the word	25
" Mill-gearing."		
" Factory."	" Factory " shall be taken to mean all buildings and premises situated within any part of the United Kingdom of Great Britain and Ireland, wherein or within the close or curtilage of which, steam, water, or any other mechanical power, shall be used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, tow, hemp, or jute, either separately or mixed together, or mixed with any other material, or any fabric made thereof ; and any room situated within the outward gate or boundary of any Factory, wherein children or young persons are employed in any process incident to the manufacture carried on in the Factory, shall be taken to be a part of the Factory, although it may not contain any machinery ; and any part of such Factory may be taken to be a Factory within the meaning of this Act ; but this enactment shall not extend to any part of such Factory used solely for the purposes of a dwelling-house, nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any Factory used solely for the manufacture of lace, or solely for bleaching,	30 35 40
Exception to the term Factory.		

bleaching, dyeing, printing or calendering; and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a Factory not used for any manufacturing process, or for any labour incident to any manufacturing process; and nothing in this Act contained shall extend to any young person, being a mechanic, artisan or labourer, working only in making and repairing the machinery, or any part of the Factory.

Exemption when packing finished Goods.

Exemption in favour of Mechanics.

And be it Enacted, That no child under the age of Eight Years shall be employed in any Factory.

3.
Children under Eight not to work in Factories.

And be it Enacted, That no child shall be employed in any Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided.

4.
No Child to be employed without a Surgical Certificate.

And be it Enacted, That no young person under Sixteen Years of age shall be employed in a Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided.

5.
No young person under Sixteen Years shall work without a Surgical Certificate.

Provided always, and be it Enacted, That the occupier of any Factory may employ children or young persons under the age of Sixteen Years, for the number of hours to which the labour of children and young persons is respectively restricted by this Act, without the aforesaid surgical certificate, for any time not exceeding Seven working Days, or when the certifying Surgeon shall reside more than Three Miles from the Factory, may so employ them for a period not exceeding Thirteen working Days, provided that such occupier shall declare in writing under his hand to the certifying Surgeon that all surgical certificates for children and young persons employed in that Factory shall be granted by such certifying Surgeon, and shall conform to such declaration; but any occupier who shall employ a child, knowing such child to be under Eight Years of age, or shall employ any child for a longer time than Six Hours and Thirty Minutes in any one day, knowing such child to be under Thirteen Years of age, or who shall continue after the next visit of the certifying Surgeon to employ any child or young person whom the certifying Surgeon, at that visit, shall not certify, shall be liable to the penalties herein provided for so employing such child or young person.

6.
Children and young persons may be employed Seven or Thirteen Days without Certificate.

And be it Enacted, That no child shall be employed in any Factory more than Six Hours and Thirty Minutes in any day, save as hereinafter excepted; and no child who shall have been employed in a Factory before Twelve of the clock at noon of any day, shall be employed in the same or any other Factory after One of the clock in the afternoon of the same day; but it shall be lawful for the occupier of a Factory to

7.
Children not to work more than Six Hours and Thirty Minutes daily.

employ on any Saturday during the whole time that young persons may work on that day any portion, not exceeding One-half of the total number of children employed in the Factory, on every one of the preceding days of the same week that the Factory has been at work, provided that no such child shall be so employed in the same or in any other factory during any part of the Saturday next following.

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8.
Young persons not to be employed more than Twelve Hours daily.

And be it Enacted, That no young person shall be employed in a Factory in any one day more than Twelve Hours, or after the expiration of Twelve Hours from the time when any child or young person in the Factory first begins to work in the morning, over and above the time allowed for meal-times, save in the cases hereinafter excepted.

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9.
Children and young persons not to be employed in more than one Factory.

And be it Enacted, That no child or young person shall be employed in any Factory on the same day on which such child or young person shall have been employed in any other Factory.

10.
Children and young persons not to work in the Night.

And be it Enacted, That no child or young person shall be employed in a Factory in the night, save young persons for the recovery of lost time in the case hereinafter allowed; but it shall be lawful to employ children and young persons as early as Half-past Five of the clock in the morning, between the Fifteenth day of March and the Fifteenth day of October in every year; provided that the occupier of a Factory shall previously send a notice of his intention to commence work at Half-past Five of the clock in the morning, in writing, by post, the postage being paid, to the Sub-Inspector of the District in which the Factory is situated; and provided also, that in such Factory during the aforesaid period, no child or young person shall be employed after the hour of Seven of the clock in the evening.

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11.
CLAUSE (A.)
Exception for recovering time lost by partial stoppages.

And be it Enacted, That in any Factory in which the machinery is wholly moved by the power of water, when the stream is so diminished by drought as to be insufficient to supply power to move during any portion of the day the whole of the manufacturing machinery with which the water-wheel is connected, the time which shall have been lost by any of the young persons employed at such machinery may be recovered by employing the same young persons as late as Twelve of the clock of the night next following the said day, except on Saturday, when no young person shall work after Half-past Four of the clock in the afternoon: Provided always, That no such young person shall be employed during any one night for a greater number of hours than such young person shall have worked less than Twelve Hours during the preceding day, nor after Twelve of the clock at night; but it shall not be lawful to recover any such lost time, unless a notice, according to the form and directions given in Schedule (C.) to this Act annexed, shall have been hung up in the Factory previous to any lost

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lost time being recovered, and be kept hung up during the whole period the lost time is in the course of being recovered; and such notice shall be preserved in a book, as directed in such Schedule.

And be it Enacted, That in any Factory in which the machinery is wholly moved by the power of water, the time which shall have been lost by the stoppage of the whole machinery from want of water, or from too much water, may be recovered in manner following, within Three calendar Months next after the stoppage; (that is to say) in order to recover time so lost, all young persons, together with those children who are employed in the forenoon of each day, may commence work as early as Five of the clock in the morning; and all young persons, together with those children who are employed in the afternoon of each day, may work as late as Nine of the clock in the evening, except on Saturday, when no child or young person shall work after Half-past Four of the clock in the afternoon: Provided always, That no child be employed more than Seven Hours and Thirty Minutes in any day, and that no young person be employed more than Thirteen Hours within Twenty-four consecutive hours; but it shall not be lawful to recover any lost time, unless a notice, according to the form and directions given in Schedule (C.) to this Act annexed, shall have been hung up in the Factory previous to any lost time being recovered, and be kept hung up during the whole period the lost time is in course of being recovered; and such notice shall be preserved in a book, as directed in such Schedule.

12.
Exception
for recovering
lost time by
the stoppage
of the whole
of the Ma-
chinery.

And be it Enacted, That no child or young person shall be employed in a Factory, either to recover lost time or for any other purpose, on any Saturday, after Half-past Four of the clock in the afternoon.

13.
Work to cease
on Saturday
at Half-past
Four.

And be it Enacted, That at least One Hour and a Half shall be allowed for meal-times to every young person employed in a Factory, which shall be taken between the hours of Half-past Seven in the morning and Half-past Seven in the evening of every day, and One Hour thereof at the least shall be allowed, either the whole at one time, or at different times, before Three of the clock in the afternoon; and no child or young person shall be employed more than Five Hours before One of the clock in the afternoon of any day without an interval for meal-time of at least Thirty Minutes; and during any meal-time which shall form any part of the hour and a half hereby required to be allowed for meals, no child or young person shall be employed or allowed to remain in any room in which any manufacturing process is then carried on; and all the young persons employed in a Factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed by one of the Inspectors hereinafter mentioned.

14.
One Hour and
a Half shall be
allowed for
Meal-times.

15.
Precaution to
ensure regu-
larity in the
observance of
time.

And be it Enacted, That the occupier of each Factory shall declare, in a distinct place in the register, according to the form and directions given in Schedule (B.) to this Act annexed, the clock by which the employment in his Factory is regulated, and the times of employ- 5
ment of all the children and young persons in the same Factory shall, when required by an Inspector, be regulated by a public clock to be chosen by the Inspector, or when it is desired by the occupier of the Factory, by a clock on the premises, under such general regulations as the Factory Inspectors hereinafter constituted may approve.

16.
Eight Half
Holidays to
be in every
year.

And be it Enacted, That every young person employed in a Fac- 10
tory shall have for holidays in every year not less than Eight Half Days, to be taken together or separately, on such working days as the occupier of the Factory may choose; provided, that at least Four of such half-holidays be given before the First day of October 15
in each year; and on such half-holidays no young person shall be employed in any Factory more than Six Hours and Thirty Minutes; but no cessation from work shall be deemed a half-holiday unless at least Three Days' previous notice of the time of such cessation from work shall have been fixed up in some conspicuous part of the Factory; and that in addition to such Eight Half Days, no child or young person 20
shall be allowed to work in any Factory on Christmas-day or Good Friday, in England or Ireland; and in Scotland no child or young person shall be allowed to work on the Thursdays set apart by the Church of Scotland for the observance of the Sacramental Fasts in the parish in which the Factory is situated. 25

17.
CLAUSE (B.)
Parents to
require
Children to
attend School.

And be it Enacted, That the parent of any child employed in a Factory, or the person having any direct benefit from the wages of any such child, shall cause such child to attend such school as such parent or other person may select, subject to the restrictions hereinafter provided, on the day after the first employment, and thenceforth for 30
the remainder of that week, and on each working day of each following week during which or during any day of which he shall continue in such employment, so that in every such day from the First day of April until the Thirtieth day of September such child shall attend the school during at least Three Hours, and from the First day of October 35
until the Thirty-first day of March, during at least Two Hours and a Half, after the hour of Eight of the clock in the morning, and before the hour of Seven of the clock in the evening: Provided always, That the non-attendance of such child shall be excused on every Saturday and on every day on which such child shall be prevented by 40
sickness or accident from attending the school, or on which any holiday authorized by this Act shall occur during the week, or where the school-room is situated within the outer boundary of the Factory at which the child is employed, on every day on which the school shall

shall be closed in consequence of the said Factory ceasing to be at work during the whole day.

And be it Enacted, That the occupier of every Factory in which a child is employed shall, on Monday, or on any other day appointed for that purpose by an Inspector, in every week after the expiration of the first week from such child having commenced work in the Factory, obtain a school certificate from a Schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school, as required by this Act, during the foregone week; and such occupier shall keep and preserve such certificate for Six Months after the date thereof, and produce the same to any Inspector or Sub-Inspector when required during such period, and shall when required by the Inspector for the district, pay to the Schoolmaster of such child, or to such other person as the said Inspector may direct, towards the expenses of educating such child, such sum as the Inspector may require, not exceeding Three-pence per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of One-twelfth part of the weekly wages of such child.

18.

Occupier of
Factory to
obtain School
Certificate,

and to pay
School Fees.

And be it Enacted, That the Inspectors shall, from time to time, report the name and address of every Master of any school from whom any such certificate has been received, to the Committee of Her Majesty's Privy Council on Education, and it shall thenceforth be lawful for any Inspector of schools, to be appointed by Her Majesty in Council for the purposes of this Act, to visit such school, and to examine into the discipline and management thereof, and the state of the school and the scholars therein, but not in any way further to interfere with the management thereof; and if such Inspector shall be of opinion that the Master is unfit to teach children, or that the school-room or school building is in a state improper for the reception of children, or that the school is in some essential particular defective, or that provision is not made in a school in which any Protestant child attends, for the daily instruction of such child from the authorized version of the Holy Scriptures, he shall report the same to the said Committee of Council, and the said Committee shall, Fourteen Days at least before proceeding to make any order thereon, send an abstract of such report, by post or otherwise, to the Master of the said school, or in the case of any school which shall become entitled to the benefits of this Act, the said Committee shall send a copy of the report to the Trustees of the said school; and if, after a consideration of such report on any school, and of the counter-statement, if any be received thereto, they shall confirm such report, it shall be lawful for the said Committee, by an order to declare, that the said Master is unfit, or the said school is improper or defective, and to direct

19.

Schools to be
open to
inspection of
Inspectors of
Schools, and
Committee of
Council on
Education
may declare
Master unfit
or School
improper.

a copy of their order to be sent by the post or otherwise to the Master of the said school, and to the Inspectors of Factories, who shall cause a copy thereof to be sent by the post or otherwise, to every such occupier of a Factory employing children in the neighbourhood of the said school, as they may deem necessary; and after 5
the expiration of Two Weeks from the sending of the said copy of the order to the occupier of any Factory, and so soon as some other school, situated within Two Miles of his Factory, shall be declared in writing by an Inspector to be more eligible, and notice thereof shall have been given to such occupier by an Inspector or Sub-Inspector, 10
a certificate of school attendance from the Schoolmaster who shall be declared by such order to be unfit, or whose school shall be declared by such order to be improper or defective, as aforesaid, shall not be valid in respect of any child residing within Two Miles of the school so declared to be more eligible until the said Committee shall otherwise by order direct: Provided, That if such Inspector shall report 15
to the said Committee that the occupier of any Factory, being a Roman Catholic, maintains a school for the education of children, it shall be lawful for the said Committee to prohibit by order the attendance of any child, not being a Roman Catholic, at such school, so long 20
as some other school to be specified in such order exists within such limits as aforesaid; and a copy of such order shall be sent to the Inspector of the district, and to the Master of such school; and so soon as a copy of such order shall have been sent to the Master of such school, a certificate of the attendance of such child at such 25
school shall not be valid until the said Committee shall otherwise by order direct.

20.
Factories to be
lime-washed
yearly.

And be it Enacted, That all the inside walls, ceilings or tops of rooms, whether plastered or not, and all the passages and staircases 30
of every Factory, which shall not have been painted with oil once at least within Seven Years, shall be limewashed Once at least within every successive period of Fourteen Months to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed, 35
and which are painted with oil, shall be washed with hot water and soap Once at least within every successive period of Fourteen Months, as aforesaid.

21.
Mill-gearing
not to be
cleaned while
in motion.

And be it Enacted, That no child or young person shall be allowed to clean any part of the wheels of the mill-gearing in a Factory while 40
the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine, while the latter is in motion by the action of the steam-engine, water-wheel or other mechanical power.

And

22.
Machinery to
be enclosed
or guarded.

And be it Enacted, That every fly-wheel directly connected with the steam-engine or water-wheel, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, and every fly-wheel connected with the steam-engine or water-wheel, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a factory shall be securely guarded; and every wheel-race not otherwise secured shall be guarded close to the edge of the wheel-race by a fence; and the said protection to each part shall not be removed while the parts required to be protected are in motion by the action of the steam-engine, water-wheel or other mechanical power for any manufacturing process.

23.
Inspector or
Sub-Inspector
to give notice
of dangerous
Machinery.

And be it Enacted, That if an Inspector or Sub-Inspector shall observe in a Factory any part of the mill-gearing or machinery, or any strap or band used to drive the machinery, not securely guarded which he shall deem likely to cause bodily injury to any person employed in such Factory, he shall give notice in writing to the occupier of such Factory, or his agent, of such part of the mill-gearing, machinery, or such strap or band as he shall deem to be dangerous, according to the form and directions given in Schedule (D.) to this Act annexed; and the occupier of the Factory, or his agent, shall sign a duplicate copy of this notice in acknowledgment of his having received it: Provided always, That upon an application in writing made by the occupier of the Factory, within Fourteen Days after he shall have received such notice, Two persons skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the occupier of the Factory in the aforesaid application, and the other by the Inspector of the district, with the least possible delay after he shall have received such application; and the said Two persons shall proceed to examine the machinery alleged to be dangerous within Fourteen Days of the appointment of the person named by the Inspector; and if the Two persons so appointed shall not agree in opinion, the said Two persons shall choose a third person possessing a similar knowledge of machinery; and if the said Two persons, or in case of their not agreeing in opinion, one of the said Two persons, together with the third person so called in by them to examine the said machinery, shall sign an opinion in writing addressed to the Inspector of the district that it is unnecessary or impossible to guard the mill-gearing or machinery, or strap or band alleged in the notice to be dangerous, the Inspector of the district on receipt of the same shall cancel the said notice; and if the decision shall be that it is unnecessary or impossible to guard the machinery so alleged to be dangerous, the expense of such reference shall be paid as other expenses under this Act; but if it be declared to be necessary and possible to guard the

said machinery, then the expenses of the reference shall be paid by the occupier of the Factory, and shall be recoverable as the penalties under this Act are recoverable.

24.

Notice to be given of any accident arising from Machinery.

And be it Enacted, That if any accident arising from the mill-gearing or machinery, or from any strap or band used to drive the machinery, shall occur in a Factory which shall cause any bodily injury to any person employed in the Factory, by which such person shall be interrupted in the continuance of his usual employment in the Factory, the occupier of the Factory, or, in his absence, his principal agent in the Factory, at the time when the accident occurred, shall, without delay, on the same day on which the accident has occurred, send a notice thereof in writing, by a messenger, to the Surgeon appointed to grant certificates of age for the district in which the Factory is situated; and the Surgeon shall send a copy of such notice to the Sub-Inspector of the district by the first post after the receipt thereof.

25.

Certifying Surgeon to examine into the cause and extent of accident, and report thereon.

And be it Enacted, That if a certifying Surgeon shall receive notice that an accident has occurred, which has caused bodily injury to any person employed in a Factory, for which he has been appointed to grant certificates of age, he shall with the least possible delay proceed to the said Factory, and make a full investigation as to the nature and cause of such bodily injury, and shall within the next Twenty-four Hours send to the Inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the Inspector of the district is hereby required to send to the office of the Factory Inspectors as early as conveniently may be; and the certifying Surgeon, for the purpose of such investigations only, shall have the same power, authority and protection as an Inspector, and shall also have power to enter any room in any building to which the injured person may have been removed; and for such investigation the said Surgeon shall receive a fee not exceeding Ten Shillings, or such part thereof, not being less than Three Shillings, as the Inspector of the district may consider a reasonable remuneration to the Surgeon for his trouble, which fee shall be paid as other expenses incurred under this Act.

26.

Registers to be kept in every Factory.

And be it Enacted, That registers shall be kept in the Factory to which they relate, by the occupier of every Factory, according to the forms and directions given in Schedule (B.) to this Act annexed; and every Inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to the persons employed or the work done in the Factory which such Inspector may deem requisite to facilitate the performance of his duties

or

or any inquiry made under the authority of this Act; but no information so sent by the occupier of any Factory shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates and other documents required to be received or kept shall be at all times ready for examination by the Inspector or Sub-Inspector when the Factory is at work.

And be it Enacted, That an abstract of such parts of this Act, as shall be directed by One of Her Majesty's Principal Secretaries of State, shall be hung up, as soon as received by the occupier of the Factory or his agent, in some conspicuous place within the Factory; and notice of the times of beginning and ending work on each day of all persons employed in the Factory, whether children, young persons or adults, of the times of the day and amount of time allowed for their several meals, of all time lost which is intended to be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters and fixed on a moveable board, each particular notice being signed by the occupier of every Factory, or his agent, shall be hung up in some conspicuous place, where they may be easily read by the persons employed in the Factory; and in case any such abstract of this Act or notice shall become illegible in any part, the occupier of the Factory shall cause a new copy thereof to be provided and hung up as aforesaid; and the Inspector or Sub-Inspector of the district may order the particular place or places where any such abstract or notice shall be hung up, whence the same shall not be removed from such places while the Factory is at work; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered; and every notice required to be hung up shall be in the forms and according to the directions given in the Schedule (C.) hereunto annexed.

And be it Enacted, That the four Inspectors appointed by his late Majesty under the second Act hereby repealed, shall be, during Her Majesty's pleasure, the Inspectors of Factories under this Act; and in every case of vacancy of the office of Inspector, Her Majesty may appoint, by warrant under the sign manual, another fit person to the vacant office; and every Inspector shall report his proceedings in the execution of this Act, in such manner and at such times as shall be directed by One of Her Majesty's Principal Secretaries of State.

And be it Enacted, That every Inspector shall, Once at least in every year, report as to the treatment and the condition of the children and young persons employed in the Factories under his inspection, and shall also report the several offences he may at each visit discover and prosecute, with an account of all penalties received, and the appropriation thereof; and all cases of accidents from

27.
Abstract of
this Act and
certain
Notices, to be
hung up in
every Fac-
tory.

28.
Appointment
of Inspectors.

29.
Inspectors
to report their
proceedings.

machinery occurring in Factories within his district, of which he shall have received notice, with a description of the nature of the accident, and of the bodily injury caused thereby, to any person working in the Factory, and whether or not such Factories are conducted according to the provisions of this Act, which reports shall be laid before Parliament within Six Weeks after being received, or after the next meeting of Parliament. 5

30.
Inspectors
to meet Twice
in every year,
and Three
Inspectors
may make
Rules.

And be it Enacted, That the said Inspectors shall meet Twice at least every year, and oftener if required by One of Her Majesty's Principal Secretaries of State, and shall at such meetings 10 confer together on their several proceedings in the execution of this Act; and the majority then present, the number present being not less than Three, shall make such rules for regulating their own proceedings and the proceedings of the Sub-Inspectors as may be necessary for the purpose of making their several proceedings and visitations as 15 uniform as possible; but no such rule shall be of force until approved by One of Her Majesty's Principal Secretaries of State; and every such rule, when so approved, shall be binding on the Inspectors and Sub-Inspectors, until revoked by an order from such Secretary of State.

31.
Appointment
of Sub-In-
spectors.

And be it Enacted, That One of Her Majesty's Principal Secretaries 20 of State shall appoint a sufficient number of other persons, not being less than Eighteen, to be Sub-Inspectors, to assist in the execution of this Act, under the direction of the Inspectors; and the Superintendents who may have been appointed under the second Act hereby repealed shall be Sub-Inspectors under this Act; and every Sub-In- 25 spector shall hold his office during the pleasure of such Secretary of State; and in every case of vacancy of the office of Sub-Inspector, One of Her Majesty's Principal Secretaries of State may in like manner appoint another fit person to be Sub-Inspector.

32.
Inspectors
and Sub-
Inspectors
exempted
from serving
on Juries.

And be it Enacted, That no Inspector or Sub-Inspector shall be 30 required to serve upon any jury, or to serve any parochial or municipal office, so long as he shall continue to hold the office of Inspector or Sub-Inspector.

33.
Power of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That every Inspector and Sub-Inspector shall have power to enter every part of any Factory at any time, by day or 35 by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a Factory, for the purpose of ascertaining whether any work is carried on therein which is regulated by this Act, and to enter any school in which children employed in Factories are educated, and at all times to take 40 with him the certifying Surgeon of the district, and any Constable or other Peace Officer whom he may need to assist him, and shall have

have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a Factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a Factory, within Two Months
 5 next preceding the time when he shall require him to be examined, touching any matter within the provisions of this Act; and the Inspector or Sub-Inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every Inspector
 10 and Sub-Inspector shall have power to examine the registers, certificates, notices and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have
 15 been examined; or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the admission of an Inspector or Sub-Inspector to any part of a Factory or school, shall be deemed guilty of wilfully
 20 obstructing the Inspector or Sub-Inspector in the execution of the powers intrusted to him.

And be it Enacted, That the provisions of an Act passed in the twenty-fourth year of the reign of King GEORGE the Second, intituled,
 “An Act for the rendering Justices of the Peace more safe in the Exe-
 25 cution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants,” as amended by any subsequent Act, so far as they relate to rendering Justices of the Peace more safe in the execution of their office, shall extend to protect the Inspectors and Sub-Inspectors in the exercise of their duties under this Act.

34.
Protection of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That a proper office, to be called “The
 30 Office of the Factory Inspectors,” shall be provided in London or Westminster for the use of the Inspectors, and for the preservation of the Factory Records, and all documents relating to the several proceedings under this Act; and One of Her Majesty’s
 35 Principal Secretaries of State shall appoint from time to time such clerks and servants as may be deemed necessary to carry on the business of the said office, and at pleasure remove them, or any of them; and the Commissioners of Her Majesty’s Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the
 40 clerks and servants in fit proportion, according to the duties they may have to perform.

35.
Office of
Factory
Inspectors.

And be it Enacted, That One of Her Majesty’s Principal Secretaries of State, or the Inspectors, with the approval of such Principal Secretary, from time to time may make regulations for the management

36.
Management
of the
office, and
regulating
duties of
Inspectors.

of the said office, and for regulating the duties of the several Inspectors and Sub-Inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, 5
clerks and servants respectively.

37.
Persons beginning to occupy a Factory to send notice to the Office of Factory Inspectors.

And be it Enacted, That every person on first coming to occupy a Factory shall, within One Month, send to the Inspectors a written notice of the name of the Factory, the place, township, parish and county where it is situated, and the nearest post-office to his Factory, 10
the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the Factory is to be carried on; such notice to be addressed "To the Office of the Factory Inspectors, London."

38.
Certifying Surgeons to be appointed by an Inspector.

And be it Enacted, That any Inspector shall have power to appoint 15
a sufficient number of persons practising surgery or medicine to be certifying Surgeons, for the purpose of examining children and young persons who shall be brought before them to obtain the surgical certificates of age hereinbefore required, and of giving the said certificates, and shall in every such appointment specify the Factories or district for which 20
each Surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every appointment of a certifying Surgeon, and every order annulling such appointment, may be revoked by the Secretary of State on appeal 25
made to him for either purpose, and the Inspector of the district shall make known the name of the certifying Surgeons so from time to time appointed or discontinued to the occupiers of the Factories in that district, in such manner as to him shall seem fit; but no Surgeon being the occupier of a Factory, or having a beneficial interest in any Factory, and no Inspector or Sub-Inspector, shall be qualified to 30
be a certifying Surgeon.

39.
Certificates may be given by any Surgeon or Physician of the neighbourhood, but if not given by certifying Surgeon, must be countersigned by a Magistrate.

And be it Enacted, That the surgical certificates required by this Act may be given by any person duly authorized by any University or College, or other public body having authority in that behalf, to practise surgery or medicine, although he may not have been appointed a certifying Surgeon; but no surgical certificate given by any person who is 35
not an appointed certifying Surgeon shall be of any force until it shall have been countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace not having any beneficial interest in or being occupier of a Factory, 40
and not being the father, son or brother of the occupier of a Factory; and no person shall countersign any such surgical certificate which he shall

shall not believe to be true, or in the absence of the child or young person named therein, or without proof that the child or young person brought before him is the same to whom the certificate was granted.

And be it Enacted, That no Surgeon shall grant any surgical certificate required by this Act, except upon personal inspection of the child or young person named therein; and no certifying Surgeon shall examine any child or young person for the purposes of this Act, or sign or issue any surgical certificate elsewhere than at the Factory where the child or young person is to be employed, unless for special cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse to grant a certificate of age for any child or young person presented to him for examination, he shall in the stead of such certificate give when required, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed.

40.
Surgical
Certificates
to be given
at the Fac-
tory.

Inspector
may grant
exemptions.

And be it Enacted, That if the occupier of a Factory shall agree in writing with the certifying Surgeon of a district for the payment to be made by the occupier of the Factory to the certifying Surgeon for examining children and young persons for the certificates of age required for such Factory; and if the terms of such agreement shall be in conformity with such regulations as shall be made by the Inspectors, and shall be countersigned by an Inspector in token of such conformity, all penalties which may be incurred by any party to such agreement may be recovered, as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are hereinafter directed to be applied.

41.
Agreement
between Mill
Occupier and
certifying
Surgeon.

And be it Enacted, That an Inspector shall fix the amount of fees to be paid by the occupier of a Factory, and the period when such fees shall be paid to the certifying Surgeon, and also the period when such certifying Surgeon shall visit a Factory, provided he shall be required to fix such fees and visits by the occupier of a Factory; and the fees so to be fixed by the Inspector shall not in any case exceed One Shilling for each child or young person who shall be presented to him at the Factory by the mill-owner or his agent to be examined, together with Sixpence for every Half Mile that the distance of the Factory from the residence of such Surgeon shall exceed One Mile; and such fees, including mileage, shall in no case exceed Five Shillings for any one visit, except when upon such visit the certifying Surgeon shall examine more than Ten children or young persons who may be brought before him as aforesaid, in which case he shall receive Sixpence for each child or young person that he may examine for the said certificates of age, instead of all other fees; and in any case where a Factory is situated within the distance of One Mile from the residence of a certifying Surgeon, the fee for

42.
Inspector
may fix
Surgeon's
Fees.

such Factory shall not be less than One Shilling, and shall not exceed Two Shillings and Sixpence for each visit, except when at any one visit he shall examine for the said certificates of age more than Five children or young persons who may be brought before him as aforesaid, in which case he shall receive Sixpence for each child or young person that he may so examine, instead of all other fees; and no certifying Surgeon shall receive more than Sixpence for any certificate which he may be allowed by an Inspector, as hereinbefore provided, to sign or issue otherwise than at the Factory where the child or young person is to be employed; and the occupier of any Factory shall pay such fees to the certifying Surgeon at the period of signing such certificates, or at any other period when he may be directed by the Inspector to do so; and the occupier of such Factory may deduct the fee, or any part thereof, not exceeding in any one case the sum of Three-pence, from the wages of the child or young person for whom the certificate may have been granted; but in any case where such agreement, as aforesaid, has been executed between an occupier of a Factory and the certifying Surgeon, the amount named in such agreement shall be instead of the fees fixed by any Inspector in virtue of this Act: Provided always, That no certifying Surgeon shall be required to visit any Factory situated within Three Miles of his residence, oftener than Once in each week, or to visit any Factory situated at a greater distance than Three Miles oftener than Once in every fortnight, unless with the consent of the occupier of the Factory.

43.
Surgical
Certificates
to be proof of
Age.

And be it Enacted, That every surgical certificate given under this Act, or which has been granted conformably to the second Act hereby repealed, and which shall not have been annulled, shall be evidence, in the first instance, of the age of the child or young person named therein, but shall not protect any person, knowing such child or young person to be of less than the age certified, from any penalty for employing, or conniving at the employment, of such child or young person, otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing a child or young person contrary to this Act, a declaration in writing by the certifying Surgeon of the district, that he has personally examined the child or young person, and believes him or her to be under the age of Eight Years, or Thirteen Years, or Eighteen or Twenty-one Years, as the case may be, shall be evidence, in the first instance, of the age of such person, until the contrary shall be made to appear.

44.
Proof of age
of children
and young
persons em-
ployed with-
out a surgical
certificate.

And be it Enacted, That if any Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any person who is employed without a surgical certificate is less than Sixteen, the occupier of the Factory in which such person is employed shall be liable to the penalties for employing children or young persons

sons without the surgical certificate required for a child or young person respectively, unless, upon the proceeding for the enforcement of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his Sixteenth
 5 Year of age.

And be it Enacted, That if an Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any person employed in a Factory in a manner contrary to the provisions of this Act for young persons, is less than Eighteen or Twenty-one, as the
 10 case may be, the occupier of the Factory shall, save in the cases hereinafter excepted, be liable to the penalty for employing such young person contrary to the provisions of this Act, unless upon the proceeding for the enforcement of such penalties, he shall prove that the said person had completed his Eighteenth or her Twenty-first Year.

45.
 Proof of
 Adult Age.

And be it Enacted, That children or young persons who shall be employed in a Factory at the time when this Act shall come into force, under surgical certificates of age, granted under the second Act hereby repealed, shall not be required to have new surgical certificates of age, in the form and manner provided by this Act, but every In-
 20 spector and Sub-Inspector may annul any surgical certificate granted under this Act, and any surgical certificate granted before the passing of this Act, by writing across the surgical certificate the word "Annulled," with his name, and the date of annulling such certificate; provided that in either case he shall have reason to believe the real age of the child
 25 or young person mentioned therein to be less than that mentioned in the certificate, or provided the certifying Surgeon of the district shall, upon reference made to him, deem such child or young person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured
 30 by continued employment; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

46.
 Inspectors
 and Sub-
 Inspectors
 may annul
 Certificates.

And be it Enacted, That in case any person shall be desirous of proving the real age of any child or young person for whom a certifying Surgeon shall have refused to grant a certificate of age, or whose
 35 surgical certificate any Inspector or Sub-Inspector may have annulled, the Inspector or Sub-Inspector shall, on demand, give to such person a requisition, under his hand, in a form to be approved of by the Inspectors and by the Registrar-General, for the production of a duly
 40 certified copy of the entry of the birth or baptism of such child or young person; provided it shall appear to such Inspector or Sub-Inspector that such certificate has not been refused or annulled in consequence of deficient health or strength, or by reason of disease or

47.
 Certificates of
 real age may
 be obtained.

bodily infirmity ; and every person to whom such requisition shall
 have been given shall be entitled, upon payment of One Shilling, and
 no more, to receive, on personal application, or on application by a
 letter enclosing One Shilling and the requisition, if the postage thereof
 be paid, and if there be also enclosed in the letter a cover or en- 5
 velope, on which is written the name and address of the person so
 applying, from any minister, registrar, or other person having the care
 of any register of births or baptisms, in which the birth or baptism of
 such child or young person is entered, a duly certified copy of the 10
 entry in such register, which shall be indorsed on the aforesaid requi-
 sition, and shall be signed by the minister, registrar, or other person
 having charge of such register ; and if the child or young person to
 whom the certifying Surgeon shall have so refused to grant a certificate
 of age, or whose surgical certificate shall have been so annulled by
 any Inspector or Sub-Inspector, shall produce the aforesaid certified 15
 copy of the entry of his birth or baptism, proving the age of such
 child to be above Eight Years, or of such young person to be above
 Thirteen Years, to the certifying Surgeon of the district, he shall
 examine the same, and if it shall appear to him that the said certified
 copy has not been altered or falsified in any manner, the certifying 20
 Surgeon shall be required, without further fee or reward, to write the
 word " Examined " thereon, and add his signature and the date of
 such examination ; but if he shall discover any error or falsification
 thereon, he shall transmit such certified copy by the post to the In-
 spector of the district ; and when such certified copy of the entry of 25
 the birth or baptism of such child so examined as aforesaid has been
 given to the occupier of the Factory or his agent, it shall be lawful to
 employ the child or young person in the same manner as if the certi-
 fying Surgeon had granted the certificate of age required by this Act,
 or as if the surgical certificate had not been annulled ; and the certi- 30
 fied copy of the entry of birth or baptism shall be retained by the
 occupier of the Factory or his agent, so long as the child or young person
 is in his employment, but shall be given up to the child or young person
 on his ceasing to be so employed ; and if any Inspector of Factories
 shall require a certified copy of the entry of the birth or baptism of any 35
 child or young person employed in any Factory, from the office of the
 Registrar-general, he shall be entitled to receive such certificate without
 the payment of any fee ; but no such certified copy shall be admissible
 in evidence in any court, or for any purpose, save for the purpose of
 empowering the occupier of a Factory to employ any child who may 40
 thereby be proved to be above Eight Years of age, or any young person
 who may thereby be proved to be above Thirteen or Sixteen Years of
 age, or any person who may thereby be proved to be above Eighteen or
 Twenty-one Years of age, as the case may be : Provided always, That
 in those cases in which a certifying Surgeon shall have refused to grant
 a certificate, or an Inspector or Sub-Inspector shall have declared a
 surgical

surgical certificate to have been annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, such child or young person shall not be employed on proof of real age alone.

48.
Certificates
to serve only
for One Fac-
tory.

And be it Enacted, That before employing any child or young
5 person under Sixteen Years of age, the occupier of the Factory
shall obtain the surgical certificate required by this Act, save as
herein excepted, and shall keep and be bound to produce every such
certificate, or certified copy of an entry in a register of births or
baptisms, when required, to the Inspector or Sub-Inspector; and no
10 surgical certificate shall be valid, except at the Factory for which it was
originally granted, or at any other Factory in the occupation of the
same person who is occupier of the Factory at which the certificate
was originally granted, provided such other Factory be in the district
of the certifying Surgeon who granted the certificate; and the certi-
15 fying Surgeon, each time he visits a Factory for the purpose of
granting certificates, shall enter in the register of workers the date
of his visit, and the other particulars set forth in the Form,
and according to the directions given in Schedule (B.) to the Act
annexed.

49.
Constitution
of Schools to
be provided
in Factory
Districts.

20 AND whereas it is necessary that means should be taken to pro-
vide proper schools in places where children reside who are em-
ployed in Factories, so that the children may receive a religious and
useful education; BE it Enacted, That every school which shall be
formed under the provisions of this Act, or in which the constitution
25 and regulations as hereinafter provided shall be adopted, shall re-
ceive and educate any of the children resident in the district assigned
to such school, but the children employed in Factories in such dis-
trict, or the children of any family, part of which family may be
employed therein, who may be sent thither by their parents, shall be
30 received in preference to other scholars, so long as the school-fees
for such children shall be duly paid; and such school shall be under
the management of the Trustees to be appointed in the manner herein-
after directed.

50.
CLAUSE (C.)
Appointment
of the Cleri-
cal Trustee.
One Trustee
to be ap-
pointed by
him.

And be it Enacted, That when the school shall be intended for a
35 place for which there shall be only One officiating Minister, such
Minister, and the Trustees hereinafter provided, shall be the Trustees
of the school, such Minister being termed the Clerical Trustee; and
when there shall be Two or more Ministers officiating in any such
place, or where the school shall be intended for Two or more, or
40 parts of Two or more ecclesiastical districts, the Bishop of the diocese
within which such school shall be situated shall from time to time, as
occasion may require, appoint from such Ministers, or from the
Ministers officiating in the several districts, One to be the Clerical

Trustee

Trustee of the school, who shall hold his office as such Trustee so long as the said Bishop shall deem proper, and so long as he shall continue to be a Minister officiating in the said place; and the said Bishop shall forward the appointment of the Clerical Trustee to the Returning Officer hereinafter provided, until the first Board of Trustees shall have been formed, and afterwards to the Trustees of the said school; and the Clerical Trustee shall, at the time when the said Trustees of the school hereinafter provided shall be elected, appoint in writing some person, being a Churchwarden of or in the place for which the said school shall be intended, or being a person qualified to be elected a Trustee, as hereinafter provided, to be one of the Trustees of the said school, and shall send the appointment to the Returning Officer or the Trustees of the said school.

51.

CLAUSE (D.)
Justices at
Petty Ses-
sions to ap-
point Return-
ing Officer at
first election,
and Trustees
afterwards.

And be it Enacted, That before any school shall be established under the provisions of this Act, the Justices of the Peace of the division or place in which the district for which the school is intended is situated, or when it is situated in Two or more divisions, then the Justices of such one of those petty sessional divisions as the Committee of Her Majesty's Council on Education shall by an order sealed with their seal declare, shall, on receipt of an order for that purpose from the said Committee of Council under their seal, hold a Petty Session, and shall appoint some proper person to be a Returning Officer at the first election of the Trustees of the said school, and the Trustees thereof, One Month previous to every subsequent election of a Trustee, shall appoint some proper person to be the Returning Officer thereat; and such Returning Officer shall, when requisite, procure the appointment of the Clerical Trustee from the Bishop of the diocese, and require the Clerical Trustee to appoint and to send to him the appointment of the Trustee appointed by such Clerical Trustee, and shall conduct the election of the other Trustees, and return the person or persons appointed or elected respectively.

52.

CLAUSE (E.)
Subscribers to
a certain
amount to
elect One
Trustee.

And be it Enacted, That when there shall be any number of persons, not less than Twenty, who shall each have voluntarily subscribed a donation of Ten Pounds at the least in one sum towards the expenditure in the maintenance of the school in any one of the three years immediately preceding any election, or the sum of One Pound at the least for the two successive years immediately preceding any election, or one of whom shall have given the site for the said school, the Returning Officer aforesaid shall summon a meeting of such subscribers and donors at the school or in some convenient place, and such subscribers and donors as are present at such meeting shall elect some one person and no more, qualified as hereinafter provided, to be a Trustee of the said school.

And

53.
CLAUSE (F.)
 Rate-payers
 to elect Four
 Trustees.

And be it Enacted, That Four persons, qualified as hereinafter provided, shall be elected by the persons who shall have been assessed to the poor-rates in any part of the place to which the said school shall be assigned, for a period of not less than Twelve Months
 5 previous to the day of publication of the notice of the election, on lands, tenements or hereditaments of the net annual value of Ten Pounds and upwards, to act as Trustees jointly with the Trustees hereinbefore provided; and any rate-payer qualified to vote in the election of such Trustees, may put in nomination at such election
 10 all or any of the requisite number of persons qualified as herein provided.

54.
CLAUSE (G.)
 Nomination
 and Election
 of Four
 Trustees by
 the Rate-
 payers.

And be it Enacted, That the said Returning Officer shall cause public notice to be given of the election of such Trustees, and shall in such notice require a nomination of persons qualified to be Trustees
 15 to be sent to him in writing, signed by a person qualified to make such nomination, on or before a certain day to be fixed in such notice, being Seven Days at least from the publication thereof; and if the names of Four qualified persons only shall be sent to him, he shall return the same as Trustees of the school; but if more than Four
 20 qualified persons be nominated, the persons qualified to vote in such election as aforesaid shall proceed to elect the proper number, so however that no person shall vote for more than Two of the persons so nominated.

55.
CLAUSE (H.)
 Mode of
 Election.

And be it Enacted, That in every case of a contested election the
 25 Returning Officer shall cause a voting paper to be prepared, according to the form in the Schedule hereunto annexed marked (E.) No. I., and to be delivered at the place of abode, or place of business, within the district of every person qualified to vote in such election, in which voting paper shall be set forth the names of every qualified person
 30 nominated and of the person nominating, and directions as to the mode of election, and the day when, and the person by whom the said voting paper shall be collected, and the person to whom the same shall be directed shall write the names of the person or persons for whom he intends to vote in such voting paper, and shall sign the
 35 same; or if he cannot write shall cause the names to be written, and shall affix his mark thereto in the presence of some witness, who shall attest the same; and the said Returning Officer shall cause the said voting papers to be collected on the third day after they shall have been so delivered, unless such day shall be Sunday, Christmas-
 40 day, or Good Friday, in which cases the same shall be collected on the fourth day, and he shall scrutinize the votes, and shall determine the person or persons duly elected, and shall thereupon make out a list containing the names of the persons nominated, and the number

of votes given to each person in case of a contest, and the names of the persons duly elected, together with the name of the Clerical Trustee, the person appointed by him, and the person, if any, elected by the subscribers to the said school, which list he shall sign, and shall deliver, together with all the voting papers received by him, to the Trustees of the said school at their first meeting after the election, and he shall cause copies of such list to be published in the district of the said school, and shall send a notice to every person so appointed or elected of such his appointment or election, and shall at the first election of Trustees specify therein some one of the seven following days for the first meeting of the Trustees.

56.
 CLAUSE (I.)
 Power to
 Returning
 Officer to
 call for and
 inspect the
 Poor Rates.

And be it Enacted, That the said Returning Officer shall, for the purposes of such election, have full authority to call for and inspect any book containing any rate made for the relief of the poor in any place wholly or in part within the district of such school during the period of Twelve Months previous to such election, and every person having the custody of any such book refusing or wilfully neglecting to produce the same to the said Returning Officer shall be liable to a penalty of Twenty Pounds, to be recovered as other penalties under this Act.

57.
 CLAUSE (K.)
 Qualification
 of Trustees.

And be it Enacted, That any person being assessed to the current poor-rate of any place wholly or partly within the district of the said school, in respect of property situated within such district, and whose assessment is among the first third of the assessments arranged according to the amounts of rental from the highest to the lowest, any person being usually resident within Five Miles of the school, who shall have given the site thereof, or One-tenth part of the entire original cost of the school-buildings, or shall have given a sum of Twenty Pounds at the least towards the expenditure in the maintenance of the school, during any one of the Three immediately preceding years, or shall have subscribed the sum of Two Pounds at the least thereto, for Two successive years immediately preceding the publication of the notice of the said election, shall be qualified to be a Trustee; provided that where any firm or partnership shall be assessed, the amount of the assessment shall be divided by the number of persons whose names shall be expressed in the rate, and each of such persons shall be deemed to be assessed at the amount assigned to him by such division, and no person shall be deemed to be qualified in respect of the assessment whose name is not set forth on the said rate.

58.
 CLAUSE (L.)
 Default of
 appointment
 or election
 of Trustees

And be it Enacted, That the omission of the Clerical Trustee to appoint a Trustee, or of the subscribers to elect a Trustee, or the default

default of the election of all or any of the requisite number of the Trustees, to be elected by the rate-payers, shall not prevent the other Trustees, who shall have been appointed or elected, from proceeding to act, and from acting in the management of the school and the execution of the duties of the trust.

not to prevent the others from acting.

And be it Enacted, That the persons other than the Clerical Trustee, who shall be the Trustees of the said school, shall continue to act for Five Years from the time when they shall be appointed or elected, unless the Committee of Council shall, with respect to the first period of such appointment and election, order that a new appointment and election shall take place at some convenient period in the Fifth year; but upon the happening of any extraordinary vacancy which shall be caused by the resignation, death or removal beyond Five Miles from the said school, of any Trustee appointed by the Clerical Trustee or elected by the subscribers, a fresh appointment or election shall forthwith take place; and when there shall be Two extraordinary vacancies among the Trustees elected by the rate-payers, and not sooner, an election of Trustees to fill those vacancies shall take place, and all appointments and elections upon every extraordinary vacancy shall be conducted in the same manner as in the case of the ordinary appointments and elections respectively: Provided, That if there be only two extraordinary vacancies among the Trustees elected by the rate-payers, each voter, in the event of a contest, shall vote for one of the persons nominated only.

59.

CLAUSE (M.)
Duration of the office of Trustee, and provision for extraordinary vacancies.

And be it Enacted, That the Trustee appointed or elected upon any extraordinary vacancy shall remain in office until the next general appointment of Trustees; and that any Trustee continuing to be qualified may at any vacancy be re-appointed or re-elected, as the case may be, and if there be a default of appointment or election, the respective Trustees in office at the time of the election may continue to act as such until the expiration of the next period of Five Years.

60.

CLAUSE (N.)
Duration in office of Trustee elected on extraordinary vacancies.
Trustees may be re-appointed.

And be it Enacted, That the said Trustees shall meet Once at least in every Month, at a place and time to be agreed upon at the opening of the said school, and to be settled from time to time by the said Trustees: Provided always, That any Trustee or Inspector of Schools appointed under this Act may summon a special meeting by a notice in writing to all the Trustees residing within the district; and at all meetings of the Trustees, the Clerical Trustee, if present, shall preside, and any Inspector of Schools may attend thereat and take part in the discussions, but on no occasion vote; and no questions shall be determined, unless Three members, at least, be present, except as to the admission of a child, and the enforcement of any regulations specially authorized by any bye-law of such school to be

61.

Meetings of Trustees.

enforced by a less number than Three Trustees, and the question of an adjournment; and in cases of equality of votes, the Chairman shall have a second or casting vote: Provided also, That no bye-law shall be valid unless it shall have been determined at a meeting of the Trustees, held not less than Three clear Days after notice in writing has been given to all the Trustees residing within the district of the bye-law intended to be proposed, and unless such bye-law shall have been confirmed at the next ordinary meeting of the Trustees, held not less than Fourteen Days after the former meeting, nor until a copy of the same shall have been sent to the said Committee of Council, and they shall have affixed their seal thereto, upon being satisfied that it is in nowise contrary to the constitution of the school. 5 10

62.
The powers
of the Trustees
of the
School.

And be it Enacted, That the Trustees shall determine the hours during which the school shall be kept open, so, however that the children employed in Factories shall be enabled to attend, as hereinbefore provided; and shall determine the amount of the school fee, so that nevertheless it shall not exceed Three-pence a week for any child employed in a Factory, the employment of each class, during every hour of the day, the books and apparatus to be used in the said school, the number and times of the holidays which, exclusive of any holidays on any of the usual fasts and festivals of the Church, shall not exceed Three Weeks in each year, except with the consent in writing of an Inspector, the appointment, suspension or dismissal of the Master or his Assistants, their remuneration, and every question relative to the discipline and management of the school, and when three Trustees concur therein, the dismissal of any child therefrom for misconduct: Provided always, That the appointment of the Master shall not be valid unless the Bishop of the diocese approve thereof: Provided also, That if any Trustee at an ordinary meeting make complaint in writing that the books selected by the Trustees, and used in the school, are objectionable for reasons expressly set forth, or that within the space of Two Months previously to such meeting, the constitution and regulations of the school in this Act prescribed have been departed from in some essential particular, or of any matter relating to the conduct of the Master or of any Assistant Master, and that such complaint do set forth distinctly the special cause of complaint, the Trustees shall be specially summoned in the manner hereinbefore set forth to meet within Ten Days to consider the complaint, and at such meeting shall decide thereon; and if any Trustee of such school shall not be satisfied with their decision, he may, within Fourteen Days thereafter, appeal to the Committee of Council on Education, who may inquire into the matter of the complaint, and their decision shall be binding on the said Trustees, who are hereby required to conform to any order given by the said Committee, touching the matter referred 15 20 25 30 35 40

to

to them, or to dismiss the Master or any Assistant Master of whom such complaint shall be made.

And be it Enacted, That if at any time application shall be made by Ten persons at least working in the Factories in the neighbourhood
 5 of any such school to the Trustees thereof, requesting that the said school may be open for Evening instruction, the said Trustees shall forthwith prescribe rules for the management of an Evening school, such rules to be deemed bye-laws within the meaning of this Act, and shall determine the fees to be paid by each person
 10 for instruction thereat; and if such number of persons as aforesaid shall be willing to engage to attend such school under those rules, and to pay the fees so appointed, the said Trustees shall be required to open, and so long as an adequate number of scholars shall continue to pay the necessary fees, to keep open the said school as an
 15 Evening school for at least One Hour and a Half on Three Days at least in every week, and to provide a proper Master for the instruction of such persons.

63.
Provision for
an Evening
School.

And be it Enacted, That the Master of every school to be provided for the education of children, under any of the powers of this Act,
 20 shall be required to teach the Holy Scriptures, in the version appointed by law to be used in churches, to such scholars as shall be of proper age to learn the same, and shall teach from no other book of religion whatever (except as hereinafter provided), and such teaching of the Holy Scriptures shall be conducted by and under the immediate
 25 direction of the said Master; and at the opening and the close of school, daily, the Master and the scholars shall join in Divine Worship, using no other prayer than the Lord's Prayer, and the Master shall read some passage of the Holy Scriptures: Provided, That if the parent of any child being a Roman Catholic
 30 shall notify to the Trustees that, on the ground of religious objection, he desires that such child may not be present at such teaching or reading of the Holy Scriptures, nor at such Divine Worship as aforesaid, he shall not be required to be present at such times, but shall be employed in any matter of instruction not religious in a room apart.

64.
What Religious Instruction shall be given at the School.

And be it Enacted, That religious instruction shall be given by the Master to the scholars of every such school, save as hereinafter excepted, in the Catechism and such other portions of the Liturgy of the Church of England as by law established as the Clerical Trustee may appoint, and at such periods, not exceeding One Hour in the same
 35 day, nor Three Hours in each week for each scholar, as the Trustees may select: Provided always, That the building of every school established and regulated according to the provisions of this Act, shall be so constructed as to contain at least one class-room, separate from the general school-rooms, and that such scholars as aforesaid shall be so instructed in a room apart from those scholars whose parents desire

65.
When such Religious Instruction may be given from the Catechism and Liturgy, and to whom.

they shall not be present at such religious instruction ; and that the time selected for such religious instruction shall be the hour immediately after the opening or immediately before the close of school in the morning or in the afternoon ; and the mode in which such religious instruction shall be given by the Master shall be determined by the Clerical Trustee, 5 and the books which may be used for that purpose shall be selected by the Archbishops of both provinces ; and it shall be lawful for such Clerical Trustee, or for such other person as he may appoint, at such periods, to instruct, catechise and examine such children, as he may deem advisable, except as hereinafter provided, in the principles of 10 their religion, and to commence and close such instruction with such prayers from the Liturgy as he may select : Provided also, That no Inspector of Schools shall inquire into the religious instruction which the Clerical Trustee is authorised to give or to direct to be given in such schools, nor into the religious instruction authorized by the Trusts 15 of the Deed of Conveyance, or endowment to be given under the direction of a Minister of the Established Church in any other schools, nor examine the scholars in such religious instruction, nor make any report thereon, unless he receive authority for that purpose from the Archbishop of the province, or from the Bishop of the diocese. 20

66.

Provided that if the Parent object, no Child shall be compelled to attend the Religious Instruction.

And be it Enacted, That if the parent of any scholar shall notify to the Master or Trustees that he desires that such scholar may not be present at the periods when such Catechism or portions of the Liturgy are taught as aforesaid, it shall not be lawful for any person to compel such child to be present at such periods, nor to punish or otherwise 25 molest such child for not being present ; and it shall not be lawful for the Trustees or Master of the said school, or any other person, to give or permit to be given in the said school any religious instruction to such scholar, except the reading and teaching of the Holy Scriptures as hereinbefore appointed ; and such child shall at the periods when 30 such Catechism or portions of the Liturgy are taught as aforesaid be instructed in some other branch of knowledge taught in the school.

67.

CLAUSE (O.) Trustees to appoint a Day in which such Scholars may receive Religious Instruction from their own Minister, or from any person appointed by him.

And be it Enacted, That the Trustees of the school shall appoint a day in each week, to be approved by the Committee of Council on Education, in which any scholar whose parent desires he may not 35 be present when such Catechism and Liturgy are taught as aforesaid, may, during Three of the usual school-hours, receive religious instruction from the licensed Minister of the chapel in which such parent attends Divine worship, or from any person whom such licensed Minister may appoint ; and any such scholar shall be permitted to 40 attend such instruction whenever his parent shall notify to the Trustees that such licensed Minister, or the person appointed by him, will be present at the time so appointed in each week as aforesaid, at some convenient place other than the school-house, in order to give such religious instruction to such child.

And

And be it Enacted, That the Master and such other persons as the Clerical Trustee may appoint shall, on Sundays and on Christmas-day and Good Friday, at such times and under such regulations as the Clerical Trustee may direct, open and attend such school for the purpose of affording religious instruction to members of the Church of England according to the doctrines and principles thereof, and shall give such instruction to every young person who may wish to attend school at those times, and to every child whose parents shall desire such attendance; and such Master shall cause every child and young person not prevented by any reasonable impediment, who shall receive the religious instruction at the said school, on such days as aforesaid, to attend under the care of the Master the Divine worship of the Church of England, at least Once on every such day at the church or chapel which the Clerical Trustee may select, or at the said school if the Clerical Trustee cannot select any convenient church or chapel where there is adequate accommodation for such children and young persons, and will provide Divine worship in such school for the benefit of such children and young persons.

68.

CLAUSE (P.)
School to be open on Sundays for Scholars who are Members of the Church of England, and whose Parents desire them to attend.

And be it Enacted, That the premises belonging to a school established and regulated according to the provisions of this Act may be used for occasional and temporary purposes other than those required by this Act, with the consent thereto of all the Trustees resident within Three Miles of the said school, in writing, but not otherwise.

69.

CLAUSE (Q.)
School buildings only to be used for the purposes of this Act, except with the consent in writing of the Trustees.

And be it Enacted, That it shall be lawful for the major part of the Trustees of any school existing, or which may hereafter exist, in any place in which children reside who are employed in Factories, and in which school, according to the trusts declared in the deed of the conveyance thereof, or according to the practice thereat, such practice not being contrary to any of the trusts declared in the said deed which shall be at that time lawful, the Catechism or Liturgy of the Established Church shall be taught, to forward the deed or deeds by which the trusts of the said school shall have been declared, if any such exist, or an attested copy thereof, to the Committee of Council on Education, together with a memorial to be signed by the Bishop of the Diocese in which the said school shall be situated, in testimony of his consent thereto, setting forth the particulars of such school, and requesting to be allowed to adopt the constitution and regulations prescribed by this Act; and thereupon it shall be lawful for the Lords of the said Committee to make such inquiries as they may deem expedient as to the constitution, conduct and management of the said school, and its necessity or utility for the education of the children employed in the Factories in the neighbourhood, and if they see fit, to issue a certificate in the form No. II., in the Schedule hereunto annexed, marked (E.), empowering the Trustees of the said school to adopt the provisions of this Act in regard to the constitution

70.

Power to Trustees of other Schools to obtain the benefits of this Act.

and regulation of the said school, and assigning the district which shall be liable, according to the provisions of this Act, to contribute towards the maintenance thereof; provided that no such certificate assigning a district which shall comprise a part only of any ecclesiastical district, or two or more such districts, shall be valid, unless the Bishop of the Diocese shall consent thereto; and thenceforth, so soon as the said Committee shall issue the requisite order, the Trustees of the said school shall be appointed and elected respectively, and the said school shall be regulated, and the instruction thereat shall be given, according to the provisions herein enacted; and it shall be entitled to all the rights, privileges and advantages conferred upon a school erected under the authority of this Act.

71.

CLAUSE (R.)
Schools here-
after to be
erected may
obtain the
benefit of this
Act.

And be it Enacted, That if any school shall be hereafter erected or endowed by voluntary subscriptions wholly or partially, and in the deed of conveyance it shall be declared that the constitution of the school and the Trustees thereof, and the regulation and management thereof, and the education thereat, may be according to the provisions of this Act; and if on application made to them by the major part of the Trustees thereof, in writing, to be signed by the Minister of the place wherein the said school shall be situated, and Ten persons at the least, who would be qualified to act as Trustees of a school erected in such place under the provisions of this Act, the Committee of Council on Education shall be satisfied that such school is necessary for the education of children employed in the Factories in the neighbourhood, and shall give a certificate according to the form No. III. in the Schedule hereunto annexed, marked (E.), and shall assign a district which shall be liable to contribute towards the future maintenance thereof, it shall thenceforth be taken to be a school within this Act, and shall be entitled to all the benefits conferred thereby on a school erected under the provisions thereof; and so soon as the said Committee shall issue the requisite order, the Trustees thereof shall be and shall be appointed and elected respectively, according to the provisions of this Act.

72.

Committee
of Council on
Education
to define
Boundaries
and propor-
tion of Con-
tribution.

And be it Enacted, That before the said Committee shall, under any of the powers aforesaid, issue a certificate to the Trustees of a school, they shall cause the boundary of the district for which the said school shall be proposed to be determined; and if the district shall comprise several parishes, townships, chapelries, places or ecclesiastical districts, or several parts thereof, shall cause an estimate to be made of the population and the annual value of the property in the several parts of the district, the inquiry into the boundary, amount of population and value being made by an Inspector of schools appointed for the purposes of this Act, in the manner hereinafter provided in the case of a school to be erected under the authority of this Act; and the said Committee shall define in such certificate the district to which the school shall be assigned, and where requisite the proportion in which each of the several parts thereof shall be liable to contribute

bute to the future maintenance of the school; and a copy of such certificate shall be sent to the Trustees of the school, and to the Overseers of every place which shall be affected by such certificate; and the original, together with a copy of the deed or deeds of conveyance or trust of the school, if any such exist, shall be preserved
 5 in the office of the said Committee.

And be it Enacted, That if certain monies shall be subscribed but not sufficient to provide for the enlargement of existing school-buildings or the erection of new school-buildings in any place in which children
 10 reside who work in Factories, being a parish, township, chapelry or ecclesiastical district, nor sufficient to enable the Lords of the Committee of Council on Education, according to their established regulations, to advise a grant to be made of a sufficient amount to supply the deficiency, but the amount of One-third of the cost of the enlarge-
 15 ment of the school-buildings, or of the cost of the site, school-buildings, and furniture of the school-room, according to an estimate to be submitted to and approved of by the said Committee, shall have been subscribed, it shall be lawful for the Incumbent, or licensed Minister of the Church of England of the said place, and at least Ten other
 20 persons qualified to act as Trustees of a district School in the said place, to present a memorial to the said Committee, according to the form No. IV. in the Schedule hereunto annexed, marked (E.) or to the like effect, wherein shall be set forth the necessity for the enlargement of an existing school, or for providing a residence for the Master,
 25 or the erection of a new School to be constituted and regulated in the manner detailed in this Act, the site proposed, the estimated cost of the enlargement or establishment of the school, the amount of the subscriptions, and that the same is inadequate for any such purpose as aforesaid; and it shall be lawful for the said Committee, after having
 30 examined the statements contained in the said memorial, and the plans, specification and estimate for any such purposes, and where requisite, the title to the proposed site, and having approved thereof, to cause a statement to be drawn up and sealed with their seal as to the facts alleged in the said memorial; and forthwith to send such state-
 35 ment, together with the plans and estimate, to the Clerk to the Justices of the Peace of the division within which such place is situated, with directions to lay the same before the said Justices at their next meeting in Petty Sessions; and upon the receipt thereof the said Justices shall appoint a day at a period not less than Three
 40 Weeks, nor more than Five Weeks distant, for taking the same into consideration; and the said Clerk to the Justices shall give notice thereof to all the Justices usually attending the Petty Sessions of such division, and shall cause a notice thereof to be affixed upon the churches and chapels of the said place on every Sunday during the interval; and on the day so appointed, the Justices shall

73.
 Provision for
 erection and
 enlargement
 of a School
 where Sub-
 scriptions
 insufficient.

make inquiry as to the necessity of the said school in the district, and shall hear any evidence that may be tendered to them as to the same being necessary or unnecessary, and shall decide the matter according to the best of their judgment, and shall return a report of such their decision in writing, under the hands and seals of any Two 5 or more of them, together with the statement, plans and estimate to the said Committee: Provided always, That if the incumbent or licensed Minister of such place refuses or neglects to sign the memorial hereinbefore required, it shall be lawful for the Bishop of the Diocese to authorize the said memorial to be submitted to the Committee of 10 Council on Education, without such signature, and the like proceedings may be had as if the said Minister had signed the memorial.

74.
Loan for the
deficiency to
be obtained
from the
Commis-
sioners of
Loans for
Public Works.

And be it Enacted, That if the said Justices shall report that the enlargement or erection of such school buildings is necessary; and the said Committee shall deem it proper to advise that a grant be made to 15 the extent of One-third of the estimated cost, it shall be lawful for the said Committee to issue a certificate under the hand of the Lord President of the Council or other Chairman of the said Committee for the time being, sealed with their seal in the form No. V. in the Schedule hereunto annexed, marked (E.), to the Trustees of the said 20 intended school, authorizing them to borrow the requisite amount, not exceeding One-third part of the estimated cost of the enlargement or erection of the said school buildings, upon the terms of repaying the same by annual instalments not exceeding Twenty; and it shall be lawful for the Commissioners for the Issue of Loans for Public Works, 25 Fisheries, and other purposes, upon an application from the major part of the said Trustees, to advance any sum of money, not exceeding the amount mentioned in the said certificate, to the said Trustees for the purposes of this Act, and such Trustees who shall obtain any sum of money upon Loan for such purposes as aforesaid from the said Com- 30 missioners or from any company or person, shall secure the repayment thereof, by executing a charge in the form No. VI. in the Schedule hereunto annexed, marked (E.); and when such district is a place separately maintaining its own poor, the overseers thereof shall pay the annual instalments of the said loan, together 35 with the interest due in respect of such loan, and the amount, if any, to be thereafter required towards the future maintenance of the said school out of the rates levied by them for the relief of the poor: Provided always, That nothing herein contained shall be deemed to prevent the said Committee of Council from advising a grant to be 40 made of One moiety of the cost of the enlargement or erection of school buildings for the purposes of this Act, where the other moiety shall have been raised by voluntary subscriptions or contributions.

75.
Provision for
a School re-
quired for a

And be it Enacted, That where the place for which the school shall be proposed shall be a district, comprising part of a place separately maintaining

maintaining its own poor, or parts of several parishes, townships, chapelries, or ecclesiastical districts, it shall be lawful for the said Committee of Council, on receipt of a memorial from a moiety at least of the officiating ministers, and not less than Ten other persons qualified to act as Trustees in such district, if they shall deem it advisable, to send an Inspector of Schools appointed for the purposes of this Act to examine into the necessity of the enlargement or erection of such school buildings, and to determine the boundary of such district, and if necessary, to estimate the amount of the population, and the annual value of the property, in the several parts of such district, and to report thereon to the said Committee, having full power for this purpose to inspect every parochial rate, assessment, valuation, map, survey or plan, of the place or places to which his inquiry extends, and to make copies or extracts from the same; and the said Inspector shall give notice by advertisement in One or more public newspapers circulating in the said proposed district, of the day, hour and place, when and where the inquiry shall be commenced; and if the said Committee, after receiving such report, shall think proper, they shall define the boundaries of the said district, and shall cause a copy of the description of the boundary to be sent to the memorialists; and thereupon the like proceedings may be had and taken in all respects and subject to all the provisions hereinbefore contained as may be had and taken in respect to the enlargement or erection of school buildings, intended for a place separately maintaining its own poor, and to the obtaining of a loan towards the expenses of the site and buildings of such school: Provided always, That if the district shall be in two or more petty sessional divisions, the Lords of the said Committee may cause the inquiry as to the necessity of such school to be determined by the Justices of such one of these petty sessional divisions, as they may think fit.

place not
separately
maintaining
its own Poor.

And be it Enacted, That where the district shall comprise a part only of a place separately maintaining its own poor, such part alone shall be liable to contribute toward the cost and future maintenance of the said school; and where several such places, or several parts thereof, shall be combined, the said Committee shall by an order under their seal declare the proportions in which the several parts shall contribute towards the payment of the cost of the enlargement or the erection of the said school buildings, and the future maintenance of the school, regard being had to the population and annual value of the property in each part, the said Committee being also empowered from time to time to alter the proportions of the respective contributions towards such maintenance as they shall deem expedient.

76.
Charge of the
cost.

And be it Enacted, That when by virtue of any certificate of the said Committee of Council, to be given under the provisions of this

77.
How the
Charges are
to be raised.

Act, any place which separately maintains its own poor shall be assigned for the maintenance of a school, the Overseers thereof shall pay the sums of money which shall be required by them, as hereinafter provided, out of the rates raised by them for the relief of the poor of such place ; and when the whole or any portion of the cost of the maintenance or of the enlargement or erection of school buildings and maintenance of a school is under any such certificate or order of the said Committee as aforesaid, to be raised from any part only of a place separately maintaining its own poor, the Overseers of the poor of the place of which it is a part shall cause the same to be assessed upon the persons liable in such part to the payment of the poor-rate, in proportion to their assessment to such rate, and shall collect the same from such persons, and shall have all the powers, authorities, protections and immunities in respect to such assessment and collection as they may then have by law in respect to the assessment and collection of the poor-rates. 5 10 15

78.

Conveyance
of the Site.

And be it Enacted, That the site of any school to be provided under the authority of this statute shall, when any conveyance shall hereafter be required, be conveyed to a corporate body, to be termed "The Trustees of the District School," the said Committee of Council supplying the name of the place for which it shall be provided, and shall be held by such Trustees as such corporate body, to them and their successors : Provided always, That the said Trustees shall only be a corporate body for the purpose of holding the site of such school-buildings and the endowment thereof, and of suing or being sued, or prosecuting in any proceeding in respect thereof. 20 25

79.

Notification
to be given
when a District
School
is completed.

And be it Enacted, That when the said Committee of Council shall be satisfied that any new school shall have been fully completed and rendered fit for the purposes of education, or shall have given the Trustees of any existing or future school the certificate hereinbefore referred to, the said Committee shall report the same to the Factory Inspectors, who shall notify the same to the occupier of every Factory situated within Two Miles of such school. 30

80.

Annual
Audit of
Accounts by
an Inspector
of Schools.

And be it Enacted, That the Trustees of every school who under any provision of this Act may be authorized to call for any contribution, from any place or places, towards the maintenance thereof, shall make an examination Once in every Three Months, into the state of the said school, and of the scholars thereat, and of the accounts of the said school, and shall enter the particulars of that examination in books to be kept by them for that purpose ; and some time in the Three Months next after Christmas in every year, the said school shall be examined by an Inspector of Schools appointed for the purposes of this Act ; and the accounts of the said school shall be audited and the books aforesaid 35 40

aforesaid shall be examined by him at the said school, after public notice, in writing, shall have been given by him, by causing the same to be affixed in those places in which parochial notices are usually affixed Seven Days at the least before the day of holding such audit; and at
 5 such audit he shall hear and examine into every complaint which may be made by any rate-payer of the district, in respect of the discipline and management of the said school, and the receipts, disbursements and expenditure thereof, and shall ascertain the income of the school from the school fees, subscriptions, bequests and every other
 10 source of income, and the several items of expenditure, and determine the balance upon such auditing and accounting, and shall estimate what amount, if any, will be required to supply the deficiency of funds for the school during the ensuing year; and he shall forthwith transmit his report and estimate to the said Committee, who shall be
 15 empowered to issue an order sealed with their seal, directed to the Trustees of the said school, requiring them to procure such sum as shall be mentioned in such order, from the place or places liable to contribute towards the maintenance of the said school; and thereupon the said Trustees shall issue a precept in the form No. VII.
 20 contained in the Schedule hereunto annexed, marked (E.), to the Overseers of the poor of the parish or township to which the place or places liable as aforesaid shall belong, who shall forthwith assess, collect, pay and discharge the same, according to the provisions hereinbefore contained: Provided always, That nothing herein con-
 25 tained shall authorize the raising of any rate for the maintenance of a school under the provisions of this Act, to a higher amount than in the pound during One Year, upon the value of the property situated within the district assigned to such school, and assessable to the poor-rate.

Committee of Council may order amount required towards the Maintenance of the School.

30 And be it Enacted, That no order or certificate of the said Committee of Council issued under the provisions of this Act shall be made at any meeting whereat less than Three members shall be present; and the said Committee shall cause a seal of their office to be made for the purposes of this Act, and every copy of an order or certificate issued by the said Committee under this Act, purporting to be
 35 sealed with the seal of the said Committee, shall be received in all courts, and in all proceedings as evidence of the due making and issuing of such order or certificate, without further proof of those facts; and no order of the said Committee shall be removed by certiorari or otherwise into any of Her Majesty's Courts of Record at
 40 Westminster.

81.
Committee of Council to procure a Seal: Copies of their Orders purporting to be sealed made Evidence.

And be it Enacted, That all the provisions contained in the Act passed in the fifth year of the reign of Her Majesty, intituled, "An Act to afford further Facilities for the Conveyance and Endowment of

82.
Provisions of 4 & 5 Vict., c. 38, extended to this Act.

Sites for Schools," not inconsistent with any thing herein provided, shall be applicable to the schools, and the Masters thereof, to which this Act shall extend.

83.

Provisions
for establish-
ing Schools
not to apply
to Scotland or
Ireland.

And be it Enacted, That the provisions in this Act, relating to the establishment of any new school or the alteration of the constitution of any existing school, shall not apply to Scotland or Ireland. 5

84.

Prosecution
for Compen-
sation by an
Inspector.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such Inspector to have received any bodily injury from the machinery of any Factory, for the recovery of damages for and on behalf of such person. 10

85.

Application of
Compensation
when reco-
vered.

And be it Enacted, That any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person in such manner as shall be approved of by the Secretary of State; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the Inspector, as he might have had against the plaintiff, and all charges and expenses incurred in bringing any such action, beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act. 15 20 25

86.

Occupier of
the Factory
to be liable
in the first
instance.

And be it Enacted, That the occupier of any Factory in which any offence against this Act has been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant or workman, whom he shall charge as the actual offender, brought by summons before the Justice at the time appointed for hearing the complaint made against him by the Inspector or Sub-Inspector; and if after the commission of the offence has been proved, the occupier of the Factory shall prove, to the satisfaction of the Justice, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant or workman had committed the offence in question, without his knowledge, consent or connivance, the said agent, servant or workman shall be convicted of such offence, 30 35 40

and

and shall pay the penalty instead of the occupier of the Factory ; and the payment of such penalty and costs shall be enforced against the agent, servant or workman, in like manner as penalties are made recoverable by this Act: Provided, That when it shall be made to appear to the satisfaction of the Inspector or Sub-Inspector, at the time of discovering the offence, that the occupier of the Factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance or knowledge of the occupier, and in contravention of his orders, then the Inspector or Sub-Inspector may proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the Factory.

And be it Enacted, That all complaints for offences against this Act shall be preferred within Two Months next after the commission of the offence, except in the case of complaints for working on Christmas-day, Good Friday or the Sacramental Fast-days, or for not giving all or any of the Eight half-days for holidays required to be given, when the complaints may be preferred within Three Months next after the commission of the offence ; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence shall have been committed after notice has been given to such party of the intention to prefer a complaint for the previous offence, and except also any repetition of offences against Two or more children or young persons, as hereinafter specially provided.

87.

Complaints to be preferred within Two Months.

And be it Enacted, That all proceedings for the enforcement of any penalty under this Act may be had before any Justice of the Peace acting for the county or other jurisdiction wherein the offence was committed, or before any Justice of any adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than Five miles from the place where the offence was committed ; and the Justice by whom any person shall be fined for any offence against this Act may order that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately or within such time as the said Justice shall think fit ; and in default of payment thereof, the Justice may cause the same to be levied by distress and sale of the goods and chattels of the party convicted, together with the reasonable costs and charges of such distress and sale, by warrant under the hand and seal of any such Justice ; and where the warrant of distress is directed against the goods and chattels

88.

Proceedings under this Act may be had before any Justice. Penalties may be recovered as in 5 G. 4, c. 18.

Power of distraining goods

in Factory
where Occu-
pier is con-
victed.

chattels of any person being the occupier of a Factory, it shall be law-
ful under such warrant to distrain any goods and chattels found in the
said Factory which would be liable to be distrained for rent in arrear.

89.

Issue of
Summons for
Offences
against Act.

And be it Enacted, That in England and Ireland, a summons
for an offence against this Act shall be issued by any Justice, upon 5
complaint being made to him in writing by an Inspector or Sub-
Inspector, or upon oath before him by any other person, that
to the best of the knowledge and belief of the Inspector, Sub-In-
spector or such other person, such an offence has been committed ;
and in Scotland, a summons for an offence against this Act shall be 10
issued by any Justice, upon complaint being made to him in writing
by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by
any person having a title and interest to prosecute with the concur-
rence of the Procurator Fiscal, that to the best of the knowledge and
belief of the Inspector, Sub-Inspector, Procurator Fiscal or such other 15
person such an offence has been committed ; and in every such prose-
cution in Scotland the proceedings shall be summary, and it shall not
be necessary to take down in writing more than the substance of the
evidence ; and no higher or other fees shall be allowed to the Clerk of
Court or Constables, than are allowed to be paid to the Sheriff Clerk 20
and Sheriff Officers in causes and prosecutions under the authority of
an Act passed in the tenth year of the reign of King GEORGE the
Fourth, intituled, " An Act for the more effectual Recovery of Small
Debts, and for diminishing the Expenses of Litigation in Causes of
Small Amount in the Sheriff Courts in Scotland." 25

10 Geo. 4,
c. 55.

90.

Compelling
Parties to
appear and
bring Re-
gister.

And be it Enacted, That every person who shall be summoned to
answer any complaint shall be bound to appear at the time and place
mentioned in the summons, and to produce before the Justice every
register, or other account, paper or notice, required by this Act to be
kept by him or his agent, which shall be mentioned in the summons ; 30
and if he shall not appear accordingly, then (upon proof of due service
of the summons) the Justice may either hear and determine the case in
his absence, or issue his warrant, as hereinafter provided, for enforcing
his attendance and the attendance of any witness who shall refuse or
neglect to appear. 35

91.

Inspectors and
Sub-Inspect-
ors competent
Witnesses.

And be it Enacted, That it shall be no objection to the competency of
any Inspector or Sub-Inspector to give evidence as a witness in any
prosecution under this Act that it is brought at the instance of such
Inspector or Sub-Inspector.

92.

Justices
may enforce
attendance of
Witnesses.

And be it Enacted, That any Justice of the Peace, upon any com- 40
plaint under this Act, may summon any witness to appear and give
evidence before him at a time and place appointed for hearing such
complaint,

complaint, and by warrant under his hand and seal may require any person to be brought before him who shall neglect or refuse to appear at the time and place appointed in any summons, proof, upon oath, being first given of personal service of the summons upon the person against whom such warrant shall be granted, and may commit any person coming or brought before him, who shall refuse to give evidence, to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding One Month, or until such person shall sooner submit himself to be examined ; and in case of such submission, the order of any Justice shall be a sufficient warrant to any gaoler or prison-keeper for the discharge of such person.

And be it Enacted, That every Inspector and Sub-Inspector shall be empowered to summon before a Justice of the Peace any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge ; and every such summons shall be of the same effect as if issued by a Justice of the Peace, after complaint upon oath before him, and shall be enforced in like manner, and the like proceedings may be had thereupon as if complaint upon oath had been made before such Justice for such offence ; and every constable and other peace-officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable to be punished as if the summons had been issued by a Justice of the Peace ; and every such summons of an offender or witness may be in the form provided in each case and given in the Schedule (D.) hereunto annexed ; and when an Inspector or Sub-Inspector shall summon an offender, he shall give to the same constable or peace-officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the period named in the summons for the appearance of the party charged with such offence.

93.
Inspectors
and Sub-
Inspectors
may summon
Offenders and
Witnesses.

And be it Enacted, That it shall be sufficient in any summons or other proceeding, upon a complaint for an offence against this Act, to set forth the name of the ostensible occupier, or title of the firm by which the occupier employing the work-people of the factory may be usually known ; and the service of any summons, order or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving a copy thereof in writing at the dwelling-house of the person to whom the same shall be addressed, or, in the case of summoning, or giving an order or notice to the occupier of a Factory, or to a Schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post, directed to the occupier of the Factory at the Factory, or to the Schoolmaster at his school.

94.
In case of
Partnership,
One name
sufficient for
Summons.

95.
Evidence of
Employment.

And be it Enacted, That if any child shall be allowed to enter, or be in any Factory, except at meal-times, or during the stoppage of the whole machinery of the Factory, it shall be evidence that such child was then employed in that Factory; but yards, play-grounds and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the Factory, in which no machinery is used, or manufacturing process carried on, shall not be taken to be any part of the Factory, with reference to this enactment; but children and young persons shall be allowed to bring tea or other articles of food to the workers in a Factory, between the hours of Four and Five of the clock in the afternoon only, provided they are not employed in any description of work in the Factory while there. 5 10

96.
Penalties for
employing
Children and
young Persons
longer than
allowed by
the Act.

And be it Enacted, That the penalties for employing children and young persons contrary to the provisions of this Act, shall be,

For employing a child under the age of Eight Years, not less than Twenty Shillings, and not more than Three Pounds, for each child so employed. 15

For employing a child for a longer time on any one day than is allowed by this Act, or at any other period of any day, or in any other manner during the day than is allowed by this Act, not less than Twenty Shillings, and not more than Three Pounds, for each child so employed. 20

For employing a child in the night, not less than Two Pounds, and not more than Five Pounds, for each child so employed.

For employing a young person more than Twelve Hours in any one day, or after Half-past Four of the clock on the afternoon of Saturday, or in the night, or when recovering lost time for employing a young person otherwise than is allowed by this Act, not less than Twenty Shillings, and not more than Three Pounds, for each young person so employed. 25 30

For employing a child or a young person without the proper surgical certificate, or whom the employer shall know to be of less age than that certified, in any manner forbidden by this Act, or for employing a child without the school certificate required by this Act, not less than Twenty Shillings, and not more than Three Pounds, for every child or young person so employed. 35

For not allowing the times for meals required by this Act, or in the manner hereinbefore provided for the meal-times, or for allowing to a child or young person less than the amount of holidays as hereinbefore provided, or for employing a child

or

or young person in England or Ireland on Christmas-day or Good Friday, or for employing a child or young person in Scotland on any day set apart by the Church for the observance of the Sacramental Fast in the parish in which the Factory is situated, not less than Twenty Shillings, and not more than Three Pounds, for each child or young person so employed.

For employing any child or young person during meal-time, or for allowing any child or young person to remain in any room during meal-time, in which any machinery is in motion for any manufacturing process, except such children or young persons as may bring articles of food, between the hours of Four and Five of the clock in the afternoon as hereinbefore provided, not less than Ten Shillings, and not more than Two Pounds for each child and young person so employed or allowed to remain in such room.

And be it Enacted, That the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by this Act, shall be liable to a penalty of not less than Ten Shillings and not more than Twenty Shillings, for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such employment has been without the consent, connivance or wilful default of such parent or person so benefited.

97.
Penalty on
Parents for
allowing
Children to be
employed
contrary to
this Act.

And be it Enacted, That the parent, or other person having any direct benefit from the wages of any child employed in a Factory, who shall neglect to cause such child to attend school as hereinbefore provided, shall be liable to a penalty of not less than One Shilling, and not more than Ten Shillings, for every day less than the full number of days during which such child ought to have attended school in any week, such child not having been absent from any of the causes for which non-attendance at school is excused as hereinbefore provided.

98.
Penalties on
Parents or
Guardians for
not sending
Children to
School.

And be it Enacted, That the penalty for not paying the school fees to the person and at the time required by the direction of the Inspector, shall be not less than Twenty Shillings, and not more than Five Pounds, over and above the fee which shall be due.

99.
Penalty for
not paying the
School Fee.

And be it Enacted, That the penalty for not paying the surgical fees to the person, and at the time required by the direction of the Inspector, shall be not less than Twenty Shillings, and not more than Five Pounds, over and above the fees which shall be due.

100.
Penalty for
not paying
Surgical Fees.

101.
Penalty for
not regulating
Clocks.

And be it Enacted, That the penalty for not regulating the times for the employment of children and young persons in the Factory, by a clock, in the manner hereinbefore provided, or not declaring in the register the clock by which the employment is regulated, or for knowingly altering the time of the said clock, from the real time of the day at the place where the factory is situated, shall not be less than Two Pounds, and not more than Five Pounds. 5

102.
Penalty for
not lime-
washing the
Factory.

And be it Enacted, That the penalty for not lime-washing the walls, passages, staircases, and ceilings or tops of rooms, of a Factory within the period prescribed by the Act, or for not washing, as hereinbefore provided, the inside walls, and ceilings or tops of rooms, which are painted with oil, shall not be less than Three nor more than Ten Pounds, and not less than Two Pounds additional penalty for every month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms, to remain without being lime-washed or washed as aforesaid, after being convicted of this offence. 10 15

103.
Penalty for
cleaning
Machinery
while in
motion.

And be it Enacted, That the penalty for cleaning machinery hereinbefore prohibited from being cleaned while in motion, or allowing the same to be cleaned, or allowing any child or young person to work between the fixed and traversing parts of a self-acting machine, contrary to the provisions of this Act, shall be not less than Ten Shillings and not more than Five Pounds. 20

104.
Penalty for
not guarding
Machinery.

And be it Enacted, That the penalty for not guarding the several parts of the machinery and wheelrace required by this Act to be guarded, shall be not less than Five Pounds and not more than Twenty Pounds. 25

105.
Penalty for
not giving
notice of
accident.

And be it Enacted, That the penalty for not giving notice to the certifying Surgeon of the district of any accident arising from the machinery, which may occur in a Factory, as hereinbefore required, shall be not less than Five Pounds and not more than Twenty Pounds. 30

106.
Penalty for
not fencing off
dangerous
Machinery,
after Notice.

And be it Enacted, That if any person shall suffer any bodily injury, in consequence of the occupier of a Factory having neglected to guard any part of the mill-gearing or machinery, or any strap or band, in the Factory, of which he shall have received notice in writing from an Inspector or Sub-Inspector as hereinbefore provided, that the same was deemed to be dangerous, the occupier of such Factory shall pay a penalty not less than Ten Pounds, and not more than One hundred Pounds; and the whole or any part of such penalty may be applied for the benefit of the injured person; or, otherwise, as the Secretary of State shall determine; and so much of 35

of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, That the occupier of the Factory shall not be liable to any such penalty, if the notice shall have been cancelled as hereinbefore provided.

- 5 And be it Enacted, That the penalty for not keeping any register, certificate, account, paper or notice in the form required by this Act, or for not fixing up any notice required by this Act, or for not producing the said register, certificate or other document, when required, to the Inspector or Sub-Inspector, or for not delivering or causing to be delivered or
10 sent to an Inspector or other person, in each case provided, any document required by this Act, or who shall refuse or neglect, when required, to sign any duplicate copy of any notice he may receive, shall be not less than Two Pounds, and not more than Five Pounds.

107.
Penalty for
not keeping
Registers, &c.

- 15 And be it Enacted, That every person who, on the hearing of any complaint for an offence against this Act, shall wilfully neglect or refuse to produce before the Justice any register, account, paper or notice which he shall have been summoned to produce, may be fined by the Justice in any sum not less than Two Pounds and not more than Five Pounds.

108.
Penalty for
not producing
Books, &c.

- 20 And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-Inspector, or Inspector of Schools in the execution of any of the powers intrusted to him by this Act, shall be liable, for each offence, to a fine of not less than Three Pounds and not more than Ten Pounds.

109.
Penalty for
obstructing
Inspectors.

- 25 And be it Enacted, That every person convicted before any Justice of the Peace of making, giving, signing, countersigning or making use of any certificate authorized or required by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making
30 account, paper or notice required by this Act, and also every person convicted of wilfully giving false evidence, or making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty, not less than Five Pounds and not more than Twenty Pounds, or to be imprisoned for any time, not more than Six Months, in the
35 house of correction in the county, town or place where the offence was committed.

110.
Offences
which shall be
punishable
by Fine or Im-
prisonment.

And be it Enacted, That the penalty for any offence against this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than Two Pounds and not more than Five Pounds.

111.
Penalty for
Offences not
otherwise
specified.

- 40 And be it Enacted, That every person who shall be convicted Twice within Twelve Months for an offence of the same kind against this Act, shall pay for his second offence any sum not less than One-

112.
Penalty in
case of second
and subse-
quent Con-
victions.

half of the highest penalty for that offence ; and if convicted Three times within Twelve Months for an offence of the same kind, he shall pay not less than Two-thirds of the highest penalty ; and if convicted more than Three times for an offence of the same kind, he shall pay the highest penalty ; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offences have been committed after notice has been given of the intention to prefer a complaint for the previous offences ; and in any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than One hundred Pounds, the sum of One hundred Pounds, together with all the reasonable costs and charges of such proceedings and convictions, may be paid instead of the penalties for all the offences committed by him before the day on which the last summons was taken out against him.

113.
How former
Conviction
may be
proved.

And be it Enacted, That any Justice before whom any person shall be convicted of any offence against this Act, or any person acting as Clerk to the Justices where such conviction shall have taken place, or the Clerk of the Peace where such conviction shall have been filed, shall, upon the request in writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy ; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act, provided that such conviction shall take place within Twenty-four Months preceding the day when the person named in the conviction shall be convicted of another offence.

114.
Application
of Penalties.

And be it Enacted, That all penalties for any offence against either of the Acts hereby repealed, which shall not have been otherwise appropriated at the time when this Act shall come into force, and every penalty imposed under this Act, the whole or part of which shall not be otherwise applied under the direction of the Secretary of State, shall be paid, on account of the Inspector for the district in which the penalty was imposed, to such banker as shall be appointed by such Inspector to receive the same ; and every person to whom any penalty shall be paid, shall pay over the amount thereof to the banker so appointed within Fourteen Days of receiving the same ; and all such penalties, except in the case hereinbefore provided, shall be applied by such Inspector, under the direction of One of Her Majesty's Principal Secretaries of State, in such manner as shall appear best for the establishment or support of day schools for the education of children employed in Factories.

115.
Convictions
to be filed
amongst
Records of
County.

And be it Enacted, That every conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and

and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the Clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewardry, town or place.

5 And be it Enacted, That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at the discretion of the Justice by fine or imprisonment, neither shall any conviction, except as aforesaid, be removable by certiorari or bill of advocation, into any Court whatever ; and no information, conviction or other proceeding on any complaint for an offence against this Act shall be
10 quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or
15 place, where the person, time and place intended shall have been so stated as to have been, in the opinion of the Justice, clearly understood by the person charged with such offence ; and it shall not be necessary, in any information, conviction or other proceeding under this Act, to define the processes carried on in such Factory, or nature of the power by which the machinery of such Factory is moved, or to set out that the Factory or process or employment referred to is not within any of the cases excepted, provided that it be therein stated that such Factory is a Factory within this Act ; and the proof of being within any such
20 excepted cases shall lie upon the party claiming the benefit of such exception.

116.
No Appeal
from Convic-
tions.

And be it Enacted, That in all cases in which a Justice of the Peace is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same
30 powers and duties as are herein given to such Justice, and is hereby required to exercise the same in Scotland ; but no complaint preferred for any offence against this Act committed in a Factory, shall be heard by a Justice of the Peace or Burgh Magistrate, having a beneficial interest in or being an occupier of the Factory, or being the
35 father, son or brother of the occupier of the Factory, in which the offence set forth in the complaint shall have been committed.

117.
Burgh Magis-
trates in
Scotland to
exercise same
Powers as
Justices of
Peace in Eng-
land.

And be it Enacted, That no conveyance, order, certificate, charge, deed, appointment, precept, agreement, document or paper given under the authority of and for the purposes of this Act, shall be liable
40 to the payment of any stamp duty.

118.
Exemption
from Stamps.

And be it Enacted, That this Act shall commence and come into force on the First day of October in the year One thousand eight hun-

119.
Commence-
ment of Act.

dred and Forty-three, except as to the powers granted by this Act to make any appointments, or to determine any duties, or to make any regulations, or to fix any salaries in the manner hereinbefore provided, which powers shall come into force on the passing of this Act; but no other provisions contained in this Act shall be of any force until the First day of October in the year One thousand eight hundred and Forty-three. 5

120.
Act may be
repealed or
amended.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)—CERTIFICATES.

(To be written or printed on white Paper.)

Factories Regulation Act, Victoria, c.

CERTIFICATE of AGE for a CHILD to be employed in the Factory of
situated at in

I, of duly appointed a certifying Surgeon, No. _____
do hereby certify, That son [or, daughter] of and
residing in has been personally examined by me
this day of One thousand eight hundred and
and that the said child has the ordinary strength and appearance of a child of at least
Eight years of age, and that I believe the real age of the said child to be at least EIGHT
years ; and that the said child is not incapacitated, by disease or bodily infirmity, from
working daily in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

(To be written or printed on coloured Paper.)

Factories Regulation Act, Victoria, c.

CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of
situated at in

I, of duly appointed a certifying Surgeon, No. _____
do hereby certify, That son [or, daughter] of and
residing in has been personally examined
by me, this day of One
thousand eight hundred and and that the said young person has the ordinary
strength and appearance of a young person of at least Thirteen years of age, and that I
believe the real age of the said young person to be at least THIRTEEN years ; and that the
said young person is not incapacitated, by disease or bodily infirmity, from working daily
in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given in either case by any Practitioner who is
not a certifying Surgeon must be the same as the corresponding Form above given,
omitting the words "duly appointed a certifying Surgeon," and substituting the words
"duly authorized by the University [or, College, or other public body having authority in
that behalf] of to practise Surgery [or, Medicine],"
and making the following addition, which must be signed by a Justice of the Peace
or Burgh Magistrate :—

The child [or, young person] named in the above-written certificate has been this day
brought before me, and the appearance of the said child [or, young person] agrees with
the description therein given ; and I believe the real age of the said child [or, young
person]

person] to be at least [*here insert the word "Eight" in the case of a child, or "Thirteen" in the case of a young person*], years; and I declare, that I have no beneficial interest in and am not the Occupier of any Factory, and that I am not the Father, Son or Brother of the Occupier of any Factory.

Dated this _____ day of _____ One thousand eight hundred _____
 _____ (signed) C. D., Justice,
 [or, Burgh Magistrate.]

In every Surgical Certificate of Age, the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any Certificates, authorized by this Act to be received as proof of the age of any persons, shall be obtained by the occupier of a Factory or his agent, they shall be fixed in a book, to be called "THE AGE CERTIFICATE BOOK," in the order of the dates at which they shall have been respectively received; and such Certificate shall be numbered in the order in which they are so fixed in the book; but the Certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book; and shall be marked with a series of running numbers distinct from that of the Certificates for young persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the number hereinbefore required to be set against each Certificate shall be set against the name of the child or young person for whom such Certificate has been granted, in the first column of the Register of the persons employed, required by this Act, to be kept in each Factory. And if the Certificate be a copy of the entry in any Register of the Birth or Baptism of a child or young person, the letter (B.) shall be affixed to the number required to be entered in the aforesaid Factory Register.

If a Surgeon shall have refused to grant a Certificate of Age to any child or young person, the word "Refused" shall be written in the column of the Register where the numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon,
do hereby declare, that _____ son [or, daughter] of _____
residing in _____ has been personally examined by me, this _____
day of _____ One thousand eight hundred and _____ and that in my
opinion the said [child, or, young person] has NOT the ordinary strength and appearance
[of a child of at least Eight years of age (or, of a young person of at least Thirteen years
of age) or (or, and) is incapacitated by disease and bodily infirmity from working daily in
a Factory, for the time allowed by this Act.]

(signed) _____ Certifying Surgeon.

(signed)

Certifying Surgeon.

N. B.—The words within Brackets shall be in the hand-writing of the certifying Surgeon, who shall insert the reason of his refusal, to be either on account of deficient age, or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I hereby certify, That the undermentioned child [or, children] employed in the
 Factory of _____ situated in _____ has [or, have] attended the
 School kept by me at _____ for the number of hours, and at the time on
 each day specified in the columns opposite to his [her, or their] name [or, names] during
 the week ending on Saturday the _____ day of _____ One thousand
 eight hundred and _____, and that the causes of absence stated are true to the
 best of my belief.

Name of Child.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Causes of Absence.
	Time.	Time.	Time.	Time.	Time.	Time.	
	From To	From To	From To	From To	From To	From To	

(signed)

Schoolmaster, [or, Schoolmistress.]

the day of 18 .

Under the column headed "Time," the periods of the day that each child attends school shall be stated; as thus, from 9 to 12, or from 2 to 5, or any other time, as the case may be,—and all the children employed in the same Factory who attend school *before* One of the clock in the afternoon shall be entered together, distinct from those who attend school *after* One of the clock.

In the case of any child who has been absent from a school established under this Act for one day, and not more, in each week, by desire of its parent, for the purpose of receiving religious instruction elsewhere than at the school, as authorized by this Act, the master of such school shall insert the abbreviated words "Rel. Ins." under the day of such absence, which insertion, so far as regards the occupier of any factory, shall be deemed to be proof of the child's attendance at school on the day named; and if a child has been absent from any other cause, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be also inserted, so far as the same can be ascertained; and when any day has been a holiday at the school, the word "*Holiday*" shall be entered in the column of the day.

All School Certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "THE SCHOOL CERTIFICATE BOOK," in the order of their respective dates. Copies of the above Forms may be bound together in a book for each Factory.

SCHEDULE (B.)—REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

LIST of Young Persons employed in this Factory.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed, insert opposite the Name the word "Left;" and when any Male Person completes his Eighteenth Year, or any Female Person completes her Twenty-first Year of Age, the word "Adult."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of all young persons employed in the Factory, to be entered as they are engaged to work, whether for the first time or, after having left, when they are re-engaged to work; and no young persons shall be employed in any manner, or for any part of a day, whether they are to receive wages or not, until after the christian and surname of each, and the date of the first day of employment or re-employment of such young person, shall have been entered in this Register.

At the beginning of this Register shall be inserted—

1. The name of the Occupier or Firm.
2. The name of the Factory, the place, township, parish and county where it is situate, and the post-office to which the Occupier desires his letters to be directed.

3. The nature of the work carried on.
 4. The nature of the moving power, and the amount thereof, expressed in the amount of horse power.

5. The clock by which the employment of the workers in his Factory is regulated.

Every alteration in any of the above particulars shall be inserted within Three Days after the alteration shall have been made.

6. The holidays and half-holidays which shall have been given in conformity with this Act shall be recorded together in a distinct place in this Register.

7. The dates when the several parts of a Factory shall have been limewashed or painted in oil, and, when painted in oil, the dates of their having been washed as required by this Act, and the names and residences of the persons by whom the Factory was limewashed or painted in oil, shall be recorded in a distinct place in this Register within Six days after they have been so limewashed, painted or washed; and this declaration of the times of limewashing, painting, and washing, shall be signed by the mill-occupier or his principal agent.

8. The Visits of the Certifying Surgeon to the Factory shall be recorded in this Register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no child or young person in the Factory to be examined at the time of his visit, he shall insert in this column the word "None."

† If none be granted, he shall insert the word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under 13 Years of Age are employed.

NAMES of the Children employed in this Factory before Twelve o'Clock at Noon, or
THE MORNING SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Afternoon Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

NAMES of the Children employed in this Factory after One o'Clock in the Afternoon, or
THE AFTERNOON SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Morning Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This

This Register shall contain the names of all children under 13 years of age employed in the Factory, to be entered as they are engaged to work, whether for the first time, or, after having left, when they are re-engaged to work; and no children shall be employed in any manner, or for any part of a day, whether they are to receive wages or not, until after the christian and surname of each, and the date of the first day of employment or re-employment of the child, shall have been entered in this Register.

If any child be removed from the Morning Set to the Afternoon Set, or *vice versâ*, the name of such child must be entered as a new comer in the Register for the Set to which it is removed, and the number of its Certificate of Age must be placed against its name, but no new Certificate shall be required for such child.

If the Mill Occupier desires to change the time of working of the two entire sets of children at stated periods, (as for instance) to make a change on the First of every month, so that the children who worked in the Morning one month shall work in the Afternoon the next month, and *vice versâ* for the other children, alternately throughout the year, it will not be necessary to enter the names of the children anew; but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration; in addition to the other details hereinbefore required:—

1. The Children entered in this Register, as belonging to the MORNING SET, work in this Factory before Twelve o'clock, and not after One o'clock, in the months of—
JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;
and after One o'clock, and not before Twelve o'clock, in the months of—
FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.
2. The Children entered in this Register, as belonging to the AFTERNOON SET, work in this Factory after One o'clock, and not before Twelve o'clock, in the months of—
JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;
and before Twelve o'clock, and not after One o'clock, in the months of—
FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

Signature of _____

Occupier or Agent.

A change in the time of working of the two entire sets of children may be made at any other stated periods, provided the necessary alterations be made in the above declaration, to the satisfaction of the Inspector or Sub-Inspector of the district.

In all mills where more than 20 children or young persons are employed, the names of such children or young persons shall be kept in their respective Registers in alphabetical order, according to the first letter of the surname, or they may be entered successively as engaged, provided there be kept, in a separate book, an alphabetical Index of Reference to the Surgical Certificates.

All the Forms contained in this Schedule (B.) which shall be applicable to any particular Factory, shall be bound together in one book, except the alphabetical Index of Reference, hereinbefore referred to.

SCHEDULE (C.)—NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Hours of Work of all Young Persons employed in the Factory.

The Hours of Work of all Young Persons employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hour.
*	From	To	From	To	From	To	From	To	
	—		—		—		—		

* In this space the Days of the Week to which the hours of work refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The TIMES allowed for MEALS in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
*	From	to	From	to	From	to
	"	"	"	"	"	"
	"	"	"	"	"	"

* In this space the Days to which the meal hours refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Hours of Work when Adults, that is to say, Male Persons above 18 Years of Age, or Female Persons above 21 Years of Age are employed at any other Periods of the Day than the Hours fixed up for the Work of Young Persons, or during the Night.

The Hours of Work for Adults employed in this Factory, who work at Periods of the Day different from Young Persons, are as follows :

Days of the Week.	At Night, before the Factory Working Day ; that is, before 6 in the Morning.	During the Factory Working Day ; that is, between 6 in the Morning and 8 in the Evening.				At Night, after the Factory Working Day ; that is, after 8 in the Evening.
		Morning.	Forenoon.	Afternoon.	Evening.	
*	From to	From to	From to	From to	From to	From to

* In this space the Days of the Week to which the hours of work refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM

FORM of the NOTICE to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought, and is intended to be recovered during the following Night before Twelve of the Clock.

ACCOUNT OF TIME LOST AND RECOVERED.

TIME LOST.				TIME RECOVERED.			
Description of the Room where the Stoppage took place, and of the Machinery stopped.	Time of the Day when the Stoppage took place.	Amount of Time Lost.		Signature of the Person taking Time.	Time of the Night when the Young Persons were Employed.	Amount of Time Recovered.	
		Hours.	Minutes.			Hours.	Minutes.

NAMES of the YOUNG PERSONS who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when Time was lost.	Surname.	Christian Name.	Date when Time was lost.	Surname.	Christian Name.

The entries of time lost, and of the names of the Young Persons who have lost time, shall be made in these Notices before any part of the time can be recovered.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any part of the Time which has been lost by the Stoppage of the whole of the Machinery in the Factory, as allowed by this Act.

ACCOUNT OF TIME LOST AND RECOVERED.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

 { Signature of the Occupier of
 the Factory or his Agent.

No lost time is required to be entered, except such as it may be intended to recover.

The entries of all the details required relating to any time lost or recovered shall be made in this Notice within Three Days after any part of the time shall have been lost or recovered.

All Notices of time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the order of their respective dates, and be open for the examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six calendar Months after the lost time entered therein shall have been recovered.

SCHEDULE (D.)—FORMS OF NOTICES, SUMMONSES AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such Strap or Band used to drive the Machinery in the Factory, as appears to him to be dangerous to the Workers.

To (*name of Occupier*), Occupier of a (*description of the manufacture*) Factory, situated in the Parish of _____ and County of _____

I hereby give you Notice that the following parts of the Machinery in your Mill, namely (*here enumerate the parts*), appear to me to be dangerous, and likely to cause bodily injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely enclosed or guarded. And I hereby further give you Notice, that, by the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided, that if, after receiving this Notice, you shall neglect or fail to enclose or guard the above-enumerated Machinery, and if any bodily injury shall afterwards be inflicted on any person, in consequence of such neglect or failure, you will be liable to a penalty of One Hundred Pounds, over and above all costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand, this _____ day of _____ in the Year One thousand eight hundred and _____

(signed) _____ Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS to be issued by an INSPECTOR or SUB-INSPECTOR against a Person who has committed an Offence.

County of _____ }
(*or*, Borough of) }

To the Constable of _____

WHEREAS it appeareth to me, I. F., one of Her Majesty's Inspectors (*or*, Sub-Inspector) of Factories, that A. D. of _____ in the county (*or*, borough, &c.) of _____ hath offended against the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*); Forasmuch as he the said A. D., on the _____ day of _____ in the year of our Lord _____ at _____ in the county (*or*, borough, &c.) of _____ did (*here set forth the substance of the charge*): These therefore are to require you forthwith to summon the said A. D. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (*or*, borough, &c.) of _____ who shall be present at _____ in the county (*or*, borough, &c.) of _____ on the _____ day of _____ at the hour of _____ in the _____ noon of the same day, to answer to the said charge, and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this _____ day of _____ in the year of our Lord _____ (signed) _____ I. F., Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS of a WITNESS to be issued by an INSPECTOR
OR SUB-INSPECTOR.

County of }
(or, Borough of)}

To the Constable of

WHEREAS it appeareth to me, I, F., one of Her Majesty's Inspectors (or, Sub-Inspector) of Factories, that A. D. of in the county (or, borough, &c.) of hath offended against the Act made in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*); Forasmuch as he the said A. D., on the day of in the year of our Lord at in the county (or, borough, &c.) of did (*here set forth the substance of the charge*), and that B. P. of in the county (or, borough, &c.) is a material Witness to be examined concerning the said charge: These therefore are to require you forthwith to summon the said B. P. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (or, borough, &c.) of as shall be present at in the county (or, borough, &c.) of on the day of at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand, this day of in the year of our Lord
(signed) I. F., Inspector (or, Sub-Inspector.)

FORM OF CONVICTION.

County of } Be it Remembered, That on the day of
(Liberty or Borough, } in the year One thousand eight hundred and A. B.
as the case may be.) } (*describe the offender*) is convicted before me, J. P., one of Her Majesty's Justices of the Peace for the county (liberty or borough, as the case may be), of in pursuance of an Act passed in the year of the reign of Queen VICTORIA, intituled, (*here insert the title of this Act*), for that he (*describe the offence*.)

Given under my hand and seal the day and year above written.

J. P.

L. S.

SCHEDULE (E.)

No. I.—FORM OF NOMINATION OF TRUSTEES OF THE
DISTRICT SCHOOL.

To of

I do hereby give Notice that the Rate-payers of the School District will forthwith proceed to elect persons to be the Trustees of the said School, and that the following persons, who are all duly qualified to act as Trustees, have been nominated; out of whom you are entitled to select Two,* and no more.

Name of the Person nominated.	Residence of the Person nominated.	Quality, Profession or Business.	Nominated by		
			Name.	Residence.	

* Or One, as the case may be.

If you desire to vote at this election, you must fill up the following Table, with the name of the person (*or, persons, as the case may be*) whom you may select from the above, and must sign this paper as below.

Name of the Party proposed to be a Trustee.	Residence.	Quality, Profession or Business.	_____

I vote for the above person (*or, persons, as the case may be*).

(C. D.)	(A. B.)	of	Street.
Name of the Witness to the mark of the Voter who cannot write.	Insert the Christian and Surname of the Voter.	Insert the Residence, or place of Business of the Voter for which he is rated.	

If you cannot write, you must procure some person to fill up the paper according to your directions, and must affix your mark to it in the presence of some witness, who must write his name in the place marked out for him.

Should you neglect any of the above regulations, or should more than the above specified number of names be returned by you in the list, the same will be void, and *your vote will be lost*.

This paper will be called for by *me, or by Mr.* _____, on _____ next. If it be given to any other person, I cannot receive it, and *the vote will be lost*.

Should it not be called for on that day, it may be brought to me at _____ next. Between the hours of Twelve and One o'clock in the day, on _____ next. But I cannot receive it as any other time.

Dated this _____ day of _____ One thousand eight hundred and _____

(signed) *John Watson,*
Returning Officer of the Trustees,
of the _____ District School.

No. II.—FORM OF CERTIFICATE OF THE COMMITTEE OF COUNCIL.

WE, the Lords of the Committee of Council on Education, do hereby certify, That A. B., of _____ C. D., of _____ E. F., of _____ being the major part of the Trustees of a School situate at _____ in the county, being a place in which Children reside who work in Factories, in which School the Catechism or Liturgy of the Established Church is now taught, have presented a Memorial to us, signed by the Right Reverend _____ Lord Bishop of _____ within whose diocese the said School is situate, praying to be allowed to adopt the constitution and regulations prescribed by the Act passed in the _____ year of the reign of Her Majesty Queen VICTORIA, intituled, (*here insert the title of this Act*), and that we have made such inquiries as we deem expedient, as to the endowment, present constitution, conduct and management of the said School, and its necessity or utility, for the education of Children employed in the Factories in the neighbourhood thereof, and being fully satisfied as to the said several particulars, have caused the boundary of a district, to which the said School shall be assigned, to be ascertained and determined, and do hereby empower the trustees of the said School to adopt the provisions of the said Act, in regard to the constitution and regulation of the said School; and do hereby declare, that the district liable to contribute towards the maintenance thereof, according to the provisions of the said Act, shall be the following; that is to say [*here the boundaries of the district are to be defined*], (which said boundaries are more clearly defined in the map hereunto annexed *) to which district the said School is henceforth to be assigned.

* This is to be added when a map is to be annexed.

And

† And inasmuch as the said district comprises several parishes [townships, places, or ecclesiastical districts, *or*, several parts thereof †], that is to say _____ and _____ we have caused an estimate to be made of the population and annual value of the property in the several parts thereof; And we do further determine that the said several parts shall be liable to contribute towards the future maintenance of the said School, in the proportions following; that is to say,

† This will be added when the circumstances of the case require it.
† To be stated according to the fact.

The <i>Parish</i> of _____	One	part.	
The <i>Township</i> of _____	Two	parts.	
The part of the <i>Township</i> of _____	Three	parts.	
Given at the Council Office this _____	day of _____	One thousand eight hundred	

Lord President of the Council,

or,

_____, Chairman of the
Committee of Council on Education
for the time being.

L. S.

(Seal of the Committee of Council on Education.)

No. III.—FORM OF CERTIFICATE OF COMMITTEE OF COUNCIL.

WE, the Lords of the Committee of Council on Education, do hereby certify, that a certain school hath been erected (*or*, endowed) by voluntary subscriptions wholly (*or*, with the assistance of a grant authorized by us), at _____ in the _____ of _____; and that by the deed of conveyance of the said school it is declared that the constitution of the same, and the regulation and management thereof, and the education thereat, shall be according to the provision of the Act passed in the _____ year of the reign of Queen VICTORIA, intituled, (*here insert the title of this Act*); and the Trustees of the said school having applied to and informed us that the said school is necessary for the education of children employed in the Factories in the neighbourhood; we have on due inquiry satisfied ourselves of the same, and do hereby assign the following district to be henceforth liable to contribute towards the future maintenance of the said school; that is to say (*here the boundaries of the district are to be set out*); (which said boundaries are more clearly defined in the map hereunto annexed*), and to such district the said school shall be assigned.

* This is to be added when a map is to be annexed.

† And inasmuch as the said district comprises several parishes (townships, places, *or*, ecclesiastical districts, *or*, several parts thereof †); that is to say, _____ &c., we have caused an estimate to be made of the population and annual value of the property in the several parts thereof. And we do hereby further determine that the said several parts shall be liable to contribute towards the future maintenance of the said school in the proportions following; (that is to say)

† This will be added when the circumstances of the case require it.
† To be stated according to the fact.

The <i>Parish</i> of _____	one	part.	
The <i>Township</i> of _____	two	parts.	
The part of the <i>Township</i> of _____	three	parts.	
Given at the Council Office this _____	day of _____	One thousand eight hundred	

Lord President of the Council,

or,

_____, Chairman of the
Committee of Council on Education
for the time being.

L. S.

(Seal of the Committee of Council on Education.)

NO. IV.—FORM OF MEMORIAL TO THE COMMITTEE OF COUNCIL FOR ASSISTANCE.

To the Right Honourable the Lords of the Committee of Council on Education.

WE, A. B., an Officiating Minister in the _____ of _____ in the County of _____ and E. F., G. H. &c., being ten persons in the said place, who are qualified to be appointed Trustees of the school hereinafter referred to, Do hereby inform the Lords of the Committee of Council on Education that the *erection* of a school for the education of children *working at the Factories* in the said place and its neighbourhood, to be constituted and regulated in the manner detailed in the Act passed in the _____ year of QUEEN VICTORIA, intituled, (*here insert the title of this Act*), is necessary for the following reasons (*set them forth*); that a site for the erection of a school has been selected at _____, consisting of (*set forth the quantity*) of land, bounded by (*set forth the parcels*); that a plan has been prepared for the building of the said school, together with a specification and estimate of the cost of the said building, and of the furnishing thereof, which plan, specification and estimate are herewith transmitted; that the cost of the site will be _____, and the cost of the building and furniture of the said school is estimated at _____

and we further inform your Lordships that, after active and diligent exertions, we have raised the sum of _____, by voluntary subscriptions for carrying the same into execution; which sum amounts to one-third at least of the estimated cost of the site, school buildings and furniture of the said school, but is inadequate for the complete providing of the said school. And we do hereby request your Lordships to take the matter of this memorial into your consideration, and to afford such assistance in the same as you shall deem proper, according to the provisions of the law.

As witness our hands this _____ day of _____ One thousand eight hundred and Forty

A. B., Officiating Minister of
E. F., }
G. H., }
I. K., }

(*This form can be readily modified to suit the case of an enlargement of an existing school.*)

NO. V.—FORM OF ORDER OF THE COMMITTEE OF COUNCIL FOR A LOAN.

To the Trustees of the _____ School.

WE, the Lords of the Committee of Council on Education, by virtue of the Statute in this case made and provided, in the _____ year of the reign of Her Majesty Queen VICTORIA, intituled, [*here insert the title of this Act*], Do hereby authorize the Trustees of the _____ school, in the _____ of _____ and County of _____ to borrow the sum of _____ being in amount not exceeding one-third of the estimated cost of the enlargement [*or, erection, as the case may be*], and furnishing of the said School, upon loan, to be repaid by _____ annual instalments.

Given at the Council Office, this _____ day of _____ One thousand eight hundred _____

Lord President of the Council.

or,

Chairman of the
Committee of Council on Education
for the time being.

L. S.

Seal of the Committee of Council on Education.)

No. VI.—FORM OF CHARGE BY THE TRUSTEES OF THE SCHOOL.

WHEREAS _____ have, under the authority of
 an Act passed in the _____ year of the reign of Her Majesty Queen
 VICTORIA, intituled, [*here insert the title of this Act*], advanced to us; the Trustees
 of the _____ School, in the _____ of
 _____ in the county of _____ on loan, the sum of
 to be repaid by _____ annual instalments, with interest at the rate of
 per centum per annum. Now we, A. B., C. D., E. F., G. H., &c., being the major part of
 the Trustees of the said School, do hereby charge the repayment of the said loan by
 _____ annual instalments, together with the interest thereof, upon the several
 persons liable by law to contribute thereto in the district following; that is to say [*here set
 out the boundaries of the district.*] And we do hereby direct the first instalment to be paid
 on the _____ day of _____ in the year _____ One thousand
 eight hundred _____

As witness our hands and seals this _____ day of _____ One thousand
 eight hundred _____

Witness, X. Y.

(L. s.)	A. B.	} Trustees of the
(L. s.)	C. D.	
(L. s.)	E. F.	
	&c.	} School.

No. VII.—FORM OF PRECEPT OF THE TRUSTEES TO THE OVERSEERS.

To R. S. and T. W., Overseers of the Poor of the

_____ of
 WE, A. B., C., D., E., F., &c. being the major part of the Trustees of the _____ School,
 in the _____ of _____ in the County of _____ having received an order under the seal
 of the Committee of Council on Education, requiring us to procure towards the mainte-
 nance of the said school during the current year the sum of _____ from the place [*or,*
places, as the case may be,] liable to contribute thereto, do hereby, in pursuance thereof,
 call upon you, within _____ weeks from the date thereof, to pay the same, *or* to pay
 the sum of _____ being the proportionate sum chargeable upon the whole [*or,*
 the part] of your *parish* liable to contribute to the maintenance of the said school, to us at
 _____ or to our Treasurer, _____ at _____

As witness our hands and seals, the _____ day of _____
 One thousand eight hundred _____

(L. s.)	A. B.
(L. s.)	C. D.
(L. s.)	E. F.

Factories.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For regulating the Employment of Children
and Young Persons in Factories, and for
the better Education of Children in Factory
Districts.

(Prepared and brought in by
Sir James Graham and Mr. Manners Sutton.)

*Ordered, by The House of Commons, to be Printed,
1 May 1843.*

[*Price 7d.*]

220.

Under 8 oz.

19 June 1843.—6 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE, AND ON RE-COMMITMENT,]

For regulating the Employment of Children and Young Persons in Factories, and for the better Education of Children in Factory Districts.

[N. B.—*The Clauses marked (A.) and (B.) were added by the Committee, and (C.), (D.) and (E.) on Re-commitment.*]

WH **HER EAS** the Laws for regulating the employment of Children and Young Persons in Factories need amendment; **B**E **it therefore Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT from and after the *First day of October in the year One thousand eight hundred and Forty-three*, the Act passed in the forty-second year of his late Majesty GEORGE the Third, intituled, "An Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and in Cotton and other Factories," and the two Acts passed in the fourth year of the reign of his late Majesty, respectively intituled, "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," and "An Act to explain and amend an Act of the last Session of Parliament for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," shall be repealed, except as to any thing theretofore done under the authority or in contravention of the said Acts, or either of them, and except so far as either of them repeals any part of any other Act.

Preamble.

1.
Repeal of
42 G. 3,
c. 73;
3 & 4 W. 4,
c. 103, and
4 & 5 W. 4,
c. 1.

2.
Interpretation
Clause.

Sex.

And be it Enacted, That in this Act, unless another sense shall be plainly shown by the context, or by some positive enactment to the contrary, any word denoting a male person shall be taken to mean

Number.	a female as well as a male; and any word denoting one person or thing shall be taken to mean any number of persons or things;	
"Child."	and the word "Child" shall be taken to mean a child under the age of thirteen years; and the words "Young Person" shall be taken to	
"Young Person."	mean a male person of the age of thirteen years, and under the age of	5
"Parent."	eighteen years; and a female person of the age of thirteen years, and under the age of twenty-one years; and the word "Parent" shall mean parent, guardian, or person having the legal custody	
Employment.	of any such child or young person; and any child or young person who shall work in any Factory, whether for wages or not, or as a	10
	learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed to be employed therein within the meaning of this Act;	15
"Inspector."	and the words "Inspector" and "Sub-inspector" shall mean respectively an inspector and a sub-inspector of factories; and the word	
"Agent."	"Agent" shall be taken to mean any manager, foreman, overlooker, clerk or other person, having on behalf of the occupier of any Factory the care or direction thereof, or of any part thereof, or of any person	20
"Master."	employed therein; and the word "Master" shall be taken to mean the Head Master and Head Mistress of any School; and the word	
"Month."	"Month" shall be taken to mean a calendar month; and the word	
"Night."	"Night" shall be taken to mean from eight of the clock in the evening to six of the clock in the following morning; and the word "Meal-	25
"Meal-time."	time" shall be taken to mean the time set apart for breakfast, dinner, bagging, tea and supper; and the words "Mill-gearing" shall be taken	
"Mill-gearing."	to comprehend every shaft, whether upright, oblique or horizontal, and every cog or stud-wheel, and every drum or pulley which are severally used to communicate the motion from the first moving power to any	30
	machine appertaining to the manufacturing processes; and the word	
"Factory."	"Factory" shall be taken to mean all buildings and premises situated within any part of the United Kingdom of Great Britain and Ireland, wherein or within the close or curtilage of which, steam, water, or any other mechanical power, shall be used to move or work any ma-	35
	chinery employed in preparing, manufacturing or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, tow, hemp, or jute, either separately or mixed together, or mixed with any other material, or any fabric made thereof; and any room situated within the outward gate or boundary of any Factory, wherein children	40
	or young persons are employed in any process incident to the manufacture carried on in the Factory, shall be taken to be a part of the Factory, although it may not contain any machinery; and any part of such Factory may be taken to be a Factory within the meaning of this Act; but this enactment shall not extend to any part of such Factory used solely for the purposes of a dwelling-house,	
Exception to the term Factory.		

nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any Factory used solely for the manufacture of lace; or solely for bleaching, dyeing, printing or calendering; and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a Factory not used for any manufacturing process, or for any labour incident to any manufacturing process; and nothing in this Act contained shall extend to any young person, being a mechanic, artisan or labourer, working only in making and repairing the machinery, or any part of the Factory.

Exemption
when packing
finished
Goods.

Exemption
in favour of
Mechanics.

And be it Enacted, That no child under the age of Eight Years shall be employed in any Factory.

3.
Children
under Eight
not to work
in Factories.

And be it Enacted, That no child shall be employed in any Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided.

4.
No Child to
be employed
without a
Surgical
Certificate.

And be it Enacted, That no young person under Sixteen Years of age shall be employed in a Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided.

5.
No young
person under
Sixteen Years
shall work
without a
Surgical Cer-
tificate.

Provided always, and be it Enacted, That the occupier of any Factory may employ children or young persons under the age of Sixteen Years, for the number of hours to which the labour of children and young persons is respectively restricted by this Act, without the aforesaid surgical certificate, for any time not exceeding Seven working Days, or when the certifying Surgeon shall reside more than Three Miles from the Factory, may so employ them for a period not exceeding Thirteen working Days, provided that such occupier shall declare in writing under his hand to the certifying Surgeon that all surgical certificates for children and young persons employed in that Factory shall be granted by such certifying Surgeon, and shall conform to such declaration; but any occupier who shall employ a child, knowing such child to be under Eight Years of age, or shall employ any child for a longer time than Six Hours and Thirty Minutes in any one day, knowing such child to be under Thirteen Years of age, or who shall continue after the next visit of the certifying Surgeon to employ any child or young person whom the certifying Surgeon, at that visit, shall not certify, shall be liable to the penalties herein provided for so employing such child or young person.

6.
Children and
young persons
may be em-
ployed Seven
or Thirteen
Days without
Certificate.

And be it Enacted, That no child shall be employed in any Factory more than Six Hours and Thirty Minutes in any day, save as hereinafter excepted; and no child who shall have been employed in a Factory

7.
Children not
to work more
than Six
Hours and
Thirty Mi-
nutes daily.

before Twelve of the clock at noon of any day, shall be employed in the same or any other Factory after One of the clock in the afternoon of the same day ; but it shall be lawful for the occupier of a Factory to employ on any Saturday, during the whole time that young persons may work on that day, any portion, not exceeding One-half, of the total number of children employed in the Factory on every one of the preceding days of the same week that the Factory has been at work, provided that no such child shall be so employed in the same or in any other factory during any part of the Saturday next following. 5

8.
Young persons not to be employed more than Twelve Hours daily.

And be it Enacted, That no young person shall be employed in a Factory in any one day more than Twelve Hours, or after the expiration of Twelve Hours from the time when any child or young person in the Factory first begins to work in the morning, over and above the time allowed for meal-times, save in the cases hereinafter excepted. 10

9.
Children and young persons not to be employed in more than one Factory.

And be it Enacted, That no child or young person shall be employed in any Factory on the same day on which such child or young person shall have been employed in any other Factory. 15

10.
Children and young persons not to work in the Night.

And be it Enacted, That no child or young person shall be employed in a Factory in the night, save young persons for the recovery of lost time in the case hereinafter allowed ; but it shall be lawful to employ children and young persons as early as Half-past Five of the clock in the morning, between the Fifteenth day of March and the Fifteenth day of October in every year ; provided that the occupier of a Factory shall previously send a notice of his intention to commence work at Half-past Five of the clock in the morning, in writing, by post, the postage being paid, to the Sub-Inspector of the District in which the Factory is situated ; and provided also, that in such Factory during the aforesaid period, no child or young person shall be employed after the hour of Half-past Seven of the clock in the evening. 20 25 30

11.
CLAUSE (A.)
Exception for recovering time lost by partial stoppages.

And be it Enacted, That in any Factory in which the machinery is moved by the power of water, when the stream is so diminished by drought during any portion of the day as to be insufficient to supply power to move the whole of the manufacturing machinery with which the water-wheel is connected, the time which shall have been lost by any of the young persons employed at such machinery may be recovered by employing the same young persons in the night next following the said day, except on Saturday, when no young person shall work after Half-past Four of the clock in the afternoon : Provided always, That no such young person shall be employed during any one night for a greater number of hours than such young person shall have worked less than Twelve Hours during the preceding day, and 35 40

and that no young person shall work more than Thirteen Hours between Eight of the clock of any one night and Eight of the clock of the night next following, and that no young person so employed in the night shall work more than Five Hours without an entire cessation
 5 from work of at least Thirty Minutes; but it shall not be lawful to recover any such lost time, unless a notice, according to the form and directions given in Schedule (C.) to this Act annexed, shall have been hung up in the Factory previous to any lost time being recovered, and be kept hung up during the whole period the lost time is in the course
 10 of being recovered; and such notice shall be preserved in a book, and a copy thereof shall be sent to the Sub-Inspector of the district in which the Mill is situated, as directed in such Schedule.

And be it Enacted, That in any Factory in which the machinery is moved by the power of water, the time which shall have been lost
 15 by stoppages from want of water, or from too much water, may be recovered in manner following, within Three calendar Months next after the stoppage; (that is to say) in order to recover time so lost, all young persons, together with those children who are employed in the forenoon of each day, may commence work as early as Five of the
 20 clock in the morning; and all young persons, together with those children who are employed in the afternoon of each day, may work as late as Nine of the clock in the evening, except on Saturday, when no child or young person shall work after Half-past Four of the clock in the afternoon: Provided always, That no child be employed more
 25 than Seven Hours and Thirty Minutes in any day, and that no young person be employed more than Thirteen Hours within Twenty-four consecutive hours; but it shall not be lawful to recover any lost time until a notice shall have been sent by post to the Sub-Inspector of the district in which the mill is situated of the intention to recover
 30 time that has been lost, nor unless a notice, according to the form and directions given in Schedule (C.) to this Act annexed, shall have been hung up in the Factory previous to any lost time being recovered, and be kept hung up during the whole period the lost time is in course of being recovered; and such notice shall be preserved in a book, as
 35 directed in such Schedule.

12.
 Exception for recovering lost time by the stoppage of the whole of the Machinery.

And be it Enacted, That no child or young person shall be employed in a Factory, either to recover lost time or for any other purpose, on any Saturday, after Half-past Four of the clock in the afternoon.

13.
 Work to cease on Saturday at Half-past Four.

And be it Enacted, That at least One Hour and a Half shall be
 40 allowed for meal-times to every young person employed in a Factory, which shall be taken between the hours of Half-past Seven in the morning and Half-past Seven in the evening of every day, and One Hour thereof at the least shall be allowed, either the whole at one time, or at

14.
 One Hour and a Half shall be allowed for Meal-times.

different times, before Three of the clock in the afternoon; and no child or young person shall be employed more than Five Hours before One of the clock in the afternoon of any day without an interval for meal-time of at least Thirty Minutes; and during any meal-time which shall form any part of the hour and a half hereby required to be allowed for meals, 5
no child or young person shall be employed or allowed to remain in any room in which any manufacturing process is then carried on; and all the young persons employed in a Factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed by one of the Inspectors hereinafter 10
mentioned.

15.
Precaution to
ensure regu-
larity in the
observance of
time.

And be it Enacted, That the occupier of each Factory shall declare, in a distinct place in the register, according to the form and directions given in Schedule (B.) to this Act annexed, the clock by which the employment in his Factory is regulated, and the times of employ- 15
ment of all the children and young persons in the same Factory shall, when required by an Inspector, be regulated by a public clock to be chosen by the Inspector, or when it is desired by the occupier of the Factory, by a clock on the premises, under such general regulations as the Factory Inspectors hereinafter constituted may approve. 20

16.
Eight Half
Holidays to
be in every
year.

And be it Enacted, That every young person employed in a Factory shall have for holidays in every year not less than Eight Half Days, to be taken together or separately, on such working days as the occupier of the Factory may choose; provided, that at least Four of such half-holidays be given before the First day of October 25
in each year; and on such half-holidays no young person shall be employed in any Factory more than Six Hours and Thirty Minutes; but no cessation from work shall be deemed a half-holiday unless at least Three Days' previous notice of the time of such cessation from work shall have been fixed up in some conspicuous part of the Factory; 30
and that in addition to such Eight Half Days, no child or young person shall be allowed to work in any Factory on Christmas-day or Good Friday, in England or Ireland; and in Scotland no child or young person shall be allowed to work on the Thursdays set apart by the Church of Scotland for the observance of the Sacramental Fasts in the 35
parish in which the Factory is situated.

17.
CLAUSE (B.)
Parents to
require
Children to
attend School.

And be it Enacted, That the parent of any child employed in a Factory, or the person having any direct benefit from the wages of any such child, shall cause such child to attend such school as such parent or other person may select, subject to the restrictions hereinafter 40
provided, on the day after the first employment, and thenceforth for the remainder of that week, and on each working day of each following week during which or during any day of which he shall continue
in

in such employment, so that in every such day from the First day of April until the Thirtieth day of September such child shall attend the school during at least Three Hours, and from the First day of October until the Thirty-first day of March, during at least Two Hours and a Half, after the hour of Eight of the clock in the morning, and before the hour of Seven of the clock in the evening; Provided always, That the non-attendance of such child shall be excused on every Saturday and on every day on which such child shall be prevented by sickness or accident from attending the school, or on which any holiday authorized by this Act shall occur during the week, or where the school-room is situated within the outer boundary of the Factory at which the child is employed, on every day on which the school shall be closed in consequence of the said Factory ceasing to be at work during the whole day.

15 And be it Enacted, That the occupier of every Factory in which a child is employed shall, on Monday, or on any other day appointed for that purpose by an Inspector, in every week after the expiration of the first week from such child having commenced work in the Factory, obtain a school certificate from a Schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school, as required by this Act, during the foregone week; and such occupier shall keep and preserve such certificate for Six Months after the date thereof, and produce the same to any Inspector or Sub-Inspector when required during such period, and shall when required by the Inspector for the district, pay to the Schoolmaster of such child, or to such other person as the said Inspector may direct, towards the expenses of educating such child, such sum as the Inspector may require, not exceeding Three-pence per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of One-twelfth part of the weekly wages of such child.

18.
Occupier of
Factory to
obtain School
Certificate,

and to pay
School Fees.

And be it Enacted, That the Inspectors shall, from time to time, report the name and address of every Master of any school from whom any such certificate has been received, to the Committee of Her Majesty's Privy Council on Education, and it shall thenceforth be lawful for any Inspector of schools, to be appointed by Her Majesty in Council for the purposes of this Act, to visit such school, and to examine into the discipline and management thereof, and the state of the school and the scholars therein, but not in any way further to interfere with the management thereof; and if such Inspector shall be of opinion that the Master is unfit to teach children, or that the school-room or school building is in a state improper for the reception of children, or that adequate provision is not made of books and other

19.
Schools to be
open to
inspection of
Inspectors of
Schools, and
Committee of
Council on
Education
may declare
Master unfit
or School
improper.

requisites for teaching, or that provision is not made in a school in which any Protestant child attends, for the daily instruction of such child from the authorized version of the Holy Scriptures, he shall report the same to the said Committee of Council, and the said Committee shall, before proceeding to make any order thereon, send a copy 5 of such report, by post or otherwise, to the Master of the said school, or to the Managers thereof; and if the said Committee shall send with such copy of their Inspector's report a letter, stating in what respects they deem the Master unfit, or the school-room or school-building in a state improper for the reception of children, or that the provisions for 10 teaching are defective in any respect as aforesaid, they shall direct their Inspector, after the expiration of Three Months, to make a second report on the state of the said school, and if it shall appear by such second report that the said unfitness of the Master, or of the school-room or of the school-building, or the deficiency of provisions for teaching as 15 aforesaid, is not removed, it shall be lawful for the said Committee by an order to declare, that the said Master is unfit, or that the said school-room or school-building is improper for the reception of children, or that the provisions for teaching are defective as aforesaid; and a copy of such order shall be sent by the post or otherwise by the said 20 Committee to the Master of the said school or the Managers thereof, and to the Inspector of Factories of the district, who shall without delay cause a copy thereof to be sent by the post or otherwise, to every occupier of a Factory employing children in the neighbourhood of the said school; and after the expiration of Four Weeks from the sending 25 of the said copy of such order to the occupier of any such Factory, a certificate of attendance at the school, set forth in the said order of the said Committee of Council, shall not be valid for the purposes of this Act in respect of any child working in any Factory to which a copy of the said order shall have been sent, until the said Committee shall other- 30 wise by order direct: Provided, That no Inspector of schools shall inquire into the religious instruction given under the direction of a Minister of the Established Church in any school, nor examine the scholars in the religious instruction so given by him, nor make any report thereon, unless he receive authority for that purpose from the 35 Archbishop of the province, or from the Bishop of the Diocese.

20.

CLAUSE (C.)
Proceedings
on orders of
disqualifica-
tion to be
laid before
Parliament.

And be it Enacted, That in every case in which an order shall have been made by the said Committee of Council rendering certificates of school attendance from any Schoolmaster invalid for the purposes of this Act, copies of such order, and of the reports of the 40 Inspector of Schools on which such order shall have been issued, and of all letters which shall have been written on the subject of such reports to such Schoolmaster by direction of the said Committee of Council, with the answers thereunto, shall be laid before Parliament within Fourteen Days after the beginning of the next Session of Parliament.

And

And be it Enacted, That the Inspectors of Schools appointed for the purposes of this Act, shall annually, or oftener if directed by the said Committee of Privy Council, prepare a report on the condition of the Schools granting certificates of attendance to children employed in Factories, which they shall have visited during the period comprised in such report; which report shall be laid before Parliament within Fourteen Days after the beginning of every Session of Parliament.

21.
 CLAUSE (D.)
 Inspectors of
 Schools to
 report.

And be it Enacted, That all the inside walls, ceilings or tops of rooms, whether plastered or not, and all the passages and staircases of every Factory, which shall not have been painted with oil once at least within Seven Years, shall be limewashed Once at least within every successive period of Fourteen Months to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap Once at least within every successive period of Fourteen Months, as aforesaid.

22.
 Factories to be
 lime-washed
 yearly.

And be it Enacted, That no child or young person shall be allowed to clean any part of the wheels of the mill-gearing in a Factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine, while the latter is in motion by the action of the steam-engine, water-wheel or other mechanical power.

23.
 Mill-gearing
 not to be
 cleaned while
 in motion.

And be it Enacted, That every fly-wheel directly connected with the steam-engine or water-wheel, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, and every fly-wheel connected with the steam-engine or water-wheel, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a factory shall be securely guarded; and every wheel-race not otherwise secured shall be guarded close to the edge of the wheel-race by a fence; and the said protection to each part shall not be removed while the parts required to be protected are in motion by the action of the steam-engine, water-wheel or other mechanical power for any manufacturing process.

24.
 Machinery to
 be enclosed
 or guarded.

And be it Enacted, That if an Inspector or Sub-Inspector shall observe in a Factory any part of the mill-gearing or machinery, or any strap or band used to drive the machinery, not securely guarded which he shall deem likely to cause bodily injury to any person employed in such Factory, he shall give notice in writing to the occupier of such Factory, or his agent, of such part of the mill-gearing, machinery, or such strap or band as he shall deem to be dangerous, according

25.
 Inspector or
 Sub-Inspector
 to give notice
 of dangerous
 Machinery.

to the form and directions given in Schedule (D.) to this Act annexed ;
 and the occupier of the Factory, or his agent, shall sign a duplicate
 copy of this notice in acknowledgment of his having received it :
 Provided always, That upon an application in writing made by the
 occupier of the Factory, within Fourteen Days after he shall have
 received such notice, Two persons skilled in the construction of the
 kind of machinery to which such notice refers shall be appointed, one
 of whom shall be named by the occupier of the Factory in the afore-
 said application, and the other by the Inspector of the district, with
 the least possible delay after he shall have received such application ;
 and the said Two persons shall proceed to examine the machinery
 alleged to be dangerous within Fourteen Days of the appointment
 of the person named by the Inspector ; and if the Two persons so
 appointed shall not agree in opinion, the said Two persons shall choose
 a third person possessing a similar knowledge of machinery ; and if the
 said Two persons, or in case of their not agreeing in opinion, one of the
 said Two persons, together with the third person so called in by them to
 examine the said machinery, shall sign an opinion in writing addressed
 to the Inspector of the district that it is unnecessary or impossible to
 guard the mill-gearing or machinery, or strap or band alleged in the notice
 to be dangerous, the Inspector of the district on receipt of the same shall
 cancel the said notice ; and if the decision shall be that it is unnecessary
 or impossible to guard the machinery so alleged to be dangerous, the
 expense of such reference shall be paid as other expenses under this
 Act ; but if it be declared to be necessary and possible to guard the
 said machinery, then the expenses of the reference shall be paid by the
 occupier of the Factory, and shall be recoverable as the penalties under
 this Act are recoverable.

26.

Notice to be
 given of any
 accident
 arising from
 Machinery.

And be it Enacted, That if any accident arising from the mill-gearing
 or machinery, or from any strap or band used to drive the machinery,
 shall occur in a Factory which shall cause any bodily injury to any
 person employed in the Factory, by which such person shall be
 interrupted in the continuance of his usual employment in the Factory,
 the occupier of the Factory, or, in his absence, his principal agent in
 the Factory, at the time when the accident occurred, shall, without
 delay, on the same day on which the accident has occurred, send
 a notice thereof in writing, by a messenger, to the Surgeon appointed
 to grant certificates of age for the district in which the Factory is
 situated ; and the Surgeon shall send a copy of such notice to the
 Sub-Inspector of the district by the first post after the receipt thereof.

27.

Certifying
 Surgeon to
 examine into
 the cause and
 extent of
 accident, and
 report there-
 on.

And be it Enacted, That if a certifying Surgeon shall receive
 notice that an accident has occurred, which has caused bodily injury
 to any person employed in a Factory, for which he has been appointed
 to grant certificates of age, he shall with the least possible delay
 proceed to the said Factory, and make a full investigation as to the

nature

nature and cause of such bodily injury, and shall within the next Twenty-four Hours send to the Inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the Inspector of the district is hereby required to send to the office of the Factory Inspectors as early as conveniently may be; and the certifying Surgeon, for the purpose of such investigations only, shall have the same power, authority and protection as an Inspector, and shall also have power to enter any room in any building to which the injured person may have been removed; and for such investigation the said Surgeon shall receive a fee not exceeding Ten Shillings, or such part thereof, not being less than Three Shillings, as the Inspector of the district may consider a reasonable remuneration to the Surgeon for his trouble, which fee shall be paid as other expenses incurred under this Act.

And be it Enacted, That registers shall be kept in the Factory to which they relate, by the occupier of every Factory, according to the forms and directions given in Schedule (B.) to this Act annexed; and every Inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to the persons employed or the work done in the Factory which such Inspector may deem requisite to facilitate the performance of his duties or any inquiry made under the authority of this Act; but no information so sent by the occupier of any Factory shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates and other documents required to be received or kept shall be at all times ready for examination by the Inspector or Sub-Inspector when the Factory is at work.

28.
Registers to
be kept in
every Fac-
tory.

And be it Enacted, That an abstract of such parts of this Act, as shall be directed by One of Her Majesty's Principal Secretaries of State, shall be hung up, as soon as received by the occupier of the Factory or his agent, in some conspicuous place within the Factory; and notice of the times of beginning and ending work on each day of all persons employed in the Factory, whether children, young persons or adults, of the times of the day and amount of time allowed for their several meals, of all time lost which is intended to be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters and fixed on a moveable board, each particular notice being signed by the occupier of every Factory, or his agent, shall be hung up in some conspicuous place, where they may be easily read by the persons employed in the Factory; and in case any such abstract of this Act or notice shall become illegible in any part, the occupier of the Factory shall cause a new copy thereof to be provided and hung up as aforesaid; and the

29.
Abstract of
this Act and
certain
Notices, to be
hung up in
every Fac-
tory.

Inspector or Sub-Inspector of the district may order the particular place or places where any such abstract or notice shall be hung up, whence the same shall not be removed from such places while the Factory is at work ; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered ; and every notice required to be hung up shall be in the forms and according to the directions given in the Schedule (C.) hereunto annexed. 5

30.
Appointment
of Inspectors.

And be it Enacted, That the four Inspectors appointed by his late Majesty under the second Act hereby repealed, shall be, during Her Majesty's pleasure, the Inspectors of Factories under this Act ; and in every case of vacancy of the office of Inspector, Her Majesty may appoint, by warrant under the sign manual, another fit person to the vacant office ; and every Inspector shall report his proceedings in the execution of this Act, in such manner and at such times as shall be directed by One of Her Majesty's Principal Secretaries of State. 10 15

31.
Inspectors
to report their
proceedings.

And be it Enacted, That every Inspector shall, Once at least in every year, report as to the treatment and the condition of the children and young persons employed in the Factories under his inspection, and shall also report the several offences he may at each visit discover and prosecute, with an account of all penalties received, and the appropriation thereof ; and all cases of accidents from machinery occurring in Factories within his district, of which he shall have received notice, with a description of the nature of the accident, and of the bodily injury caused thereby, to any person working in the Factory, and whether or not such Factories are conducted according to the provisions of this Act, which reports shall be laid before Parliament within Six Weeks after being received, or after the next meeting of Parliament. 20 25

32.
Inspectors
to meet Twice
in every year,
and Three
Inspectors
may make
Rules.

And be it Enacted, That the said Inspectors shall meet Twice at least every year, and oftener if required by One of Her Majesty's Principal Secretaries of State, and shall at such meetings confer together on their several proceedings in the execution of this Act ; and the majority then present, the number present being not less than Three, shall make such rules for regulating their own proceedings and the proceedings of the Sub-Inspectors as may be necessary for the purpose of making their several proceedings and visitations as uniform as possible ; but no such rule shall be of force until approved by One of Her Majesty's Principal Secretaries of State ; and every such rule, when so approved, shall be binding on the Inspectors and Sub-Inspectors, until revoked by an order from such Secretary of State. 30 35 40

33.
Appointment
of Sub-In-
spectors.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State shall appoint a sufficient number of other persons, not being less than Eighteen, to be Sub-Inspectors, to assist in the execution of this Act, under the direction of the Inspectors ; and the Superintend-
ents

ents who may have been appointed under the second Act hereby repealed shall be Sub-Inspectors under this Act; and every Sub-Inspector shall hold his office during the pleasure of such Secretary of State; and in every case of vacancy of the office of Sub-Inspector, One
 5 of Her Majesty's Principal Secretaries of State may in like manner appoint another fit person to be Sub-Inspector.

And be it Enacted, That no Inspector or Sub-Inspector shall be required to serve upon any jury, or to serve any parochial or municipal office, so long as he shall continue to hold the office of Inspector
 10 or Sub-Inspector.

34.
Inspectors
and Sub-
Inspectors
exempted
from serving
on Juries.

And be it Enacted, That every Inspector and Sub-Inspector shall have power to enter every part of any Factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a Factory, for
 15 the purpose of ascertaining whether any work is carried on therein which is regulated by this Act, and to enter any school in which children employed in Factories are educated, and at all times to take with him the certifying Surgeon of the district, and any Constable or other Peace Officer whom he may need to assist him, and shall
 20 have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a Factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a Factory, within Two Months next preceding the time when he shall require him to be examined,
 25 touching any matter within the provisions of this Act; and the Inspector or Sub-Inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have power to examine the registers, cer-
 30 tificates, notices and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined; or who shall in any manner attempt to conceal or
 35 otherwise prevent any child or other person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the admission of an Inspector or Sub-Inspector to any part of a Factory or school, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the execution of the
 40 powers intrusted to him.

35.
Power of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That the provisions of an Act passed in the twenty-fourth year of the reign of King GEORGE the Second, intituled, "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants," as amended by any subsequent Act,

36.
Protection of
Inspectors
and Sub-
Inspectors.

so far as they relate to rendering Justices of the Peace more safe in the execution of their office, shall extend to protect the Inspectors and Sub-Inspectors in the exercise of their duties under this Act.

37.
Office of
Factory
Inspectors.

And be it Enacted, That a proper office, to be called "The Office of the Factory Inspectors," shall be provided in London or Westminster for the use of the Inspectors, and for the preservation of the Factory Records, and all documents relating to the several proceedings under this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from time to time such clerks and servants as may be deemed necessary to carry on the business of the said office, and at pleasure remove them, or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the clerks and servants in fit proportion, according to the duties they may have to perform.

38.
Management
of the
office, and
regulating
duties of
Inspectors.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the approval of such Principal Secretary, from time to time may make regulations for the management of the said office, and for regulating the duties of the several Inspectors and Sub-Inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, clerks and servants respectively.

39.
Persons be-
ginning to
occupy a
Factory
to send notice
to the Office of
Factory In-
spectors.

And be it Enacted, That every person on first coming to occupy a Factory shall, within One Month, send to the Inspectors a written notice of the name of the Factory, the place, township, parish and county where it is situated, and the nearest post-office to his Factory, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the Factory is to be carried on; such notice to be addressed "To the Office of the Factory Inspectors, London."

40.
Certifying
Surgeons to be
appointed by
an Inspector.

And be it Enacted, That any Inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying Surgeons, for the purpose of examining children and young persons who shall be brought before them to obtain the surgical certificates of age hereinbefore required, and of giving the said certificates, and shall in every such appointment specify the Factories or district for which each Surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every appointment of a certifying Surgeon, and every order annulling such appointment, may be revoked by the Secretary of State on appeal made to him for either purpose, and the Inspector of the district shall make known the name of the certifying Surgeons so from time to time appointed or discontinued to the occupiers of the Factories in that district,

district, in such manner as to him shall seem fit; but no Surgeon being the occupier of a Factory, or having a beneficial interest in any Factory, and no Inspector or Sub-Inspector, shall be qualified to be a certifying Surgeon.

5 And be it Enacted, That the surgical certificates required by this Act may be given by any person duly authorized by any University or College, or other public body having authority in that behalf, to practise surgery or medicine, although he may not have been appointed a certifying Surgeon; but no surgical certificate given by any person who is
10 not an appointed certifying Surgeon shall be of any force until it shall have been countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace not having any beneficial interest in or being occupier of a Factory, and not being the father, son or brother of the occupier of a Factory;
15 and no person shall countersign any such surgical certificate which he shall not believe to be true, or in the absence of the child or young person named therein, or without proof that the child or young person brought before him is the same to whom the certificate was granted.

And be it Enacted, That no Surgeon shall grant any surgical certificate required by this Act, except upon personal inspection of the child
20 or young person named therein; and no certifying Surgeon shall examine any child or young person for the purposes of this Act, or sign or issue any surgical certificate elsewhere than at the Factory where the child or young person is to be employed, unless for special cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse
25 to grant a certificate of age for any child or young person presented to him for examination, he shall in the stead of such certificate give when required, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act
30 annexed.

And be it Enacted, That if the occupier of a Factory shall agree in writing with the certifying Surgeon of a district for the payment to be made by the occupier of the Factory to the certifying Surgeon for examining children and young persons for the certificates of age
35 required for such Factory; and if the terms of such agreement shall be in conformity with such regulations as shall be made by the Inspectors, and shall be countersigned by an Inspector in token of such conformity, all penalties which may be incurred by any party to such agreement may be recovered, as other penalties under this Act may be recovered, and shall be applied as other penalties under this
40 Act are hereinafter directed to be applied.

And be it Enacted, That an Inspector shall fix the amount of fees to be paid by the occupier of a Factory, and the period when such fees shall be paid to the certifying Surgeon, and also the period when such certifying Surgeon shall visit a Factory, provided he shall be required

41.
Certificates may be given by any Surgeon or Physician of the neighbourhood, but if not given by certifying Surgeon, must be countersigned by a Magistrate.

42.
Surgical Certificates to be given at the Factory.

Inspector may grant exemptions.

43.
Agreement between Mill Occupier and certifying Surgeon.

44.
Inspector may fix Surgeon's Fees.

to fix such fees and visits by the occupier of a Factory ; and the fees so to be fixed by the Inspector shall not in any case exceed One Shilling for each child or young person who shall be presented to him at the Factory by the mill-owner or his agent to be examined, together with Sixpence for every Half Mile that the distance of the Factory from the residence of such Surgeon shall exceed One Mile ; and such fees, including mileage, shall in no case exceed Five Shillings for any one visit, except when upon such visit the certifying Surgeon shall examine more than Ten children or young persons who may be brought before him as aforesaid, in which case he shall receive Sixpence for each child or young person that he may examine for the said certificates of age, instead of all other fees ; and in any case where a Factory is situated within the distance of One Mile from the residence of a certifying Surgeon, the fee for such Factory shall not be less than One Shilling, and shall not exceed Two Shillings and Sixpence for each visit, except when at any one visit he shall examine for the said certificates of age more than Five children or young persons who may be brought before him as aforesaid, in which case he shall receive Sixpence for each child or young person that he may so examine, instead of all other fees ; and no certifying Surgeon shall receive more than Sixpence for any certificate which he may be allowed by an Inspector, as hereinbefore provided, to sign or issue otherwise than at the Factory where the child or young person is to be employed ; and the occupier of any Factory shall pay such fees to the certifying Surgeon at the period of signing such certificates, or at any other period when he may be directed by the Inspector to do so ; and the occupier of such Factory may deduct the fee, or any part thereof, not exceeding in any one case the sum of Three-pence, from the wages of the child or young person for whom the certificate may have been granted ; but in any case where such agreement, as aforesaid, has been executed between an occupier of a Factory and the certifying Surgeon, the amount named in such agreement shall be instead of the fees fixed by any Inspector in virtue of this Act : Provided always, That no certifying Surgeon shall be required to visit any Factory situated within Three Miles of his residence, oftener than Once in each week, or to visit any Factory situated at a greater distance than Three Miles oftener than Once in every fortnight, unless with the consent of the occupier of the Factory.

45.
Surgical
Certificates
to be proof of
Age.

And be it Enacted, That every surgical certificate given under this Act, or which has been granted conformably to the second Act hereby repealed, and which shall not have been annulled, shall be evidence, in the first instance, of the age of the child or young person named therein, but shall not protect any person, knowing such child or young person to be of less than the age certified, from any penalty for employing, or conniving at the employment, of such child or young person, otherwise than is allowed by this Act ; and in every proceeding on any information or complaint for employing a child or young person contrary to this Act, a declaration in writing by the certifying Surgeon of

of the district, that he has personally examined the child or young person, and believes him or her to be under the age of Eight Years, or Thirteen Years, or Eighteen or Twenty-one Years, as the case may be, shall be evidence, in the first instance, of the age of such person,
 5 until the contrary shall be made to appear.

And be it Enacted, That if any Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any person who is employed without a surgical certificate is less than Sixteen, the occupier of the Factory in which such person is employed
 10 shall be liable to the penalties for employing children or young persons without the surgical certificate required for a child or young person respectively, unless, upon the proceeding for the enforcement of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his Sixteenth
 15 Year of age.

46.

Proof of age
of children
and young
persons em-
ployed with-
out a surgical
certificate.

And be it Enacted, That if an Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any person employed in a Factory in a manner contrary to the provisions of this Act for young persons, is less than Eighteen or Twenty-one, as the
 20 case may be, the occupier of the Factory shall, save in the cases herein-
 after excepted, be liable to the penalty for employing such young person contrary to the provisions of this Act, unless upon the proceeding for the enforcement of such penalties, he shall prove that the said person had completed his Eighteenth or her Twenty-first Year.

47.

Proof of
Adult Age.

And be it Enacted, That children or young persons who shall be employed in a Factory at the time when this Act shall come into force, under surgical certificates of age, granted under the second Act hereby repealed, shall not be required to have new surgical certificates of age, in the form and manner provided by this Act, but every In-
 30 spector and Sub-Inspector may annul any surgical certificate granted under this Act, and any surgical certificate granted before the passing of this Act, by writing across the surgical certificate the word "Annulled," with his name, and the date of annulling such certificate ; provided that in either case he shall have reason to believe the real age of the child
 35 or young person mentioned therein to be less than that mentioned in the certificate, or provided the certifying Surgeon of the district shall, upon reference made to him, deem such child or young person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured
 40 by continued employment ; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

48.

Inspectors
and Sub-
Inspectors
may annul
Certificates.

49.
Certificates of
real age may
be obtained.

And be it Enacted, That in case any person shall be desirous of proving the real age of any child or young person for whom a certifying Surgeon shall have refused to grant a certificate of age, or whose surgical certificate any Inspector or Sub-Inspector may have annulled, the Inspector or Sub-Inspector shall, on demand, give to such person a requisition, under his hand, in a form to be approved of by the Inspectors and by the Registrar-General, for the production of a duly certified copy of the entry of the birth or baptism of such child or young person ; provided it shall appear to such Inspector or Sub-Inspector that such certificate has not been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity ; and every person to whom such requisition shall have been given shall be entitled, upon payment of One Shilling, and no more, to receive, on personal application, or on application by a letter enclosing One Shilling and the requisition, if the postage thereof be paid, and if there be also enclosed in the letter a cover or envelope, on which is written the name and address of the person so applying, from any minister, registrar, or other person having the care of any register of births or baptisms, in which the birth or baptism of such child or young person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar, or other person having charge of such register ; and if the child or young person to whom the certifying Surgeon shall have so refused to grant a certificate of age, or whose surgical certificate shall have been so annulled by any Inspector or Sub-Inspector, shall produce the aforesaid certified copy of the entry of his birth or baptism, proving the age of such child to be above Eight Years, or of such young person to be above Thirteen Years, to the certifying Surgeon of the district, he shall examine the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying Surgeon shall be required, without further fee or reward, to write the word " Examined " thereon, and add his signature and the date of such examination ; but if he shall discover any error or falsification thereon, he shall transmit such certified copy by the post to the Inspector of the district ; and when such certified copy of the entry of the birth or baptism of such child so examined as aforesaid has been given to the occupier of the Factory or his agent, it shall be lawful to employ the child or young person in the same manner as if the certifying Surgeon had granted the certificate of age required by this Act, or as if the surgical certificate had not been annulled ; and the certified copy of the entry of birth or baptism shall be retained by the occupier of the Factory or his agent, so long as the child or young person is in his employment, but shall be given up to the child or young person on his ceasing to be so employed ; and if any Inspector of Factories shall require a certified copy of the entry of the birth or baptism of any child

child or young person employed in any Factory, from the office of the Registrar-general, he shall be entitled to receive such certificate without the payment of any fee ; but no such certified copy shall be admissible in evidence in any court, or for any purpose, save for the purpose of
 5 empowering the occupier of a Factory to employ any child who may thereby be proved to be above Eight Years of age, or any young person who may thereby be proved to be above Thirteen or Sixteen Years of age, or any person who may thereby be proved to be above Eighteen or
 10 Twenty-one Years of age, as the case may be : Provided always, That in those cases in which a certifying Surgeon shall have refused to grant a certificate, or an Inspector or Sub-Inspector shall have declared a surgical certificate to have been annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, such child or young person shall not be employed on proof of real age alone.

15 And be it Enacted, That before employing any child or young person under Sixteen Years of age, the occupier of the Factory shall obtain the surgical certificate required by this Act, save as herein excepted, and shall keep and be bound to produce every such certificate, or certified copy of an entry in a register of births or
 20 baptisms, when required, to the Inspector or Sub-Inspector ; and no surgical certificate shall be valid, except at the Factory for which it was originally granted, or at any other Factory in the occupation of the same person who is occupier of the Factory at which the certificate was originally granted, provided such other Factory be in the district
 25 of the certifying Surgeon who granted the certificate ; and the certifying Surgeon, each time he visits a Factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit, and the other particulars set forth in the Form, and according to the directions given in Schedule (B.) to the Act
 30 annexed.

50.
 Certificates
 to serve only
 for One Fac-
 tory.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by
 35 such Inspector to have received any bodily injury from the machinery of any Factory, for the recovery of damages for and on behalf of such person.

51.
 Prosecution
 for Compens-
 ation by an
 Inspector.

And be it Enacted, That any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they
 40 are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person in such manner as shall be approved of by the Secretary of State ; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff,

52.
 Application of
 Compensation
 when reco-
 vered.

or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the Inspector, as he might have had against the plaintiff, and all charges and expenses incurred in bringing any such action, beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other 5 expenses incurred under this Act.

53.
Occupier of
the Factory
to be liable
in the first
instance.

And be it Enacted, That the occupier of any Factory in which any offence against this Act has been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, 10 and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant or workman, whom he shall charge as the actual offender, brought by summons before the Justice at the time 15 appointed for hearing the complaint made against him by the Inspector or Sub-Inspector; and if after the commission of the offence has been proved, the occupier of the Factory shall prove, to the satisfaction of the Justice, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant or workman had committed 20 the offence in question, without his knowledge, consent or connivance, the said agent, servant or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the Factory; and the payment of such penalty and costs shall be enforced against the agent, servant or workman, in like manner as penalties are made recoverable by 25 this Act: Provided, That when it shall be made to appear to the satisfaction of the Inspector or Sub-Inspector, at the time of discovering the offence, that the occupier of the Factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the 30 personal consent, connivance or knowledge of the occupier, and in contravention of his orders, then the Inspector or Sub-Inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the Factory. 35

54.
Complaints to
be preferred
within Two
Months.

And be it Enacted, That all complaints for offences against this Act shall be preferred within Two Months next after the commission of the offence, except in the case of complaints for working on Christmas-day, Good Friday or the Sacramental Fast-days, 40 or for not giving all or any of the Eight half-days for holidays required to be given, when the complaints may be preferred within Three Months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from

from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence shall have been committed after notice has been given to such party of the intention to prefer a complaint for the previous offence, and except
 5 also any repetition of offences against Two or more children or young persons, as hereinafter specially provided.

And be it Enacted, That all proceedings for the enforcement of any penalty under this Act may be had before any Justice of the Peace acting for the county or other jurisdiction wherein the offence
 10 was committed, or before any Justice of any adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than Five miles from the place where the offence was committed; and the Justice by whom any person shall be fined for any offence against this Act may order
 15 that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately or within such time as the said Justice shall think fit; and in default of payment thereof, the Justice may cause the same to be levied by distress and sale of the goods and chattels of the
 20 party convicted, together with the reasonable costs and charges of such distress and sale, by warrant under the hand and seal of any such Justice; and where the warrant of distress is directed against the goods and chattels of any person being the occupier of a Factory, it shall be lawful under such warrant to distrain any goods and chattels found in the
 25 said Factory which would be liable to be distrained for rent in arrear.

55.
 Proceedings under this Act may be had before any Justice. Penalties may be recovered as in 5 G. 4, c. 18.

Power of distraining goods in Factory where Occupier is convicted.

And be it Enacted, That in England and Ireland, a summons for an offence against this Act shall be issued by any Justice, upon complaint being made to him in writing by an Inspector or Sub-Inspector, or upon oath before him by any other person, that
 30 to the best of the knowledge and belief of the Inspector, Sub-Inspector or such other person, such an offence has been committed; and in Scotland, a summons for an offence against this Act shall be issued by any Justice, upon complaint being made to him in writing by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by
 35 any person having a title and interest to prosecute with the concurrence of the Procurator Fiscal, that to the best of the knowledge and belief of the Inspector, Sub-Inspector, Procurator Fiscal or such other person such an offence has been committed; and in every such prosecution in Scotland the proceedings shall be summary, and it shall not
 40 be necessary to take down in writing more than the substance of the evidence; and no higher or other fees shall be allowed to the Clerk of Court or Constables, than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in causes and prosecutions under the authority of an Act passed in the tenth year of the reign of King GEORGE the

56.
 Issue of Summons for Offences against Act.

10 Geo. 4,
c. 55.

Fourth, intituled, " An Act for the more effectual Recovery of Small Debts, and for diminishing the Expenses of Litigation in Causes of Small Amount in the Sheriff Courts in Scotland."

57.
Compelling
Parties to
appear and
bring Re-
gister.

And be it Enacted, That every person who shall be summoned to answer any complaint shall be bound to appear at the time and place mentioned in the summons, and to produce before the Justice every register, or other account, paper or notice, required by this Act to be kept by him or his agent, which shall be mentioned in the summons ; and if he shall not appear accordingly, then (upon proof of due service of the summons) the Justice may either hear and determine the case in his absence, or issue his warrant, as hereinafter provided, for enforcing his attendance and the attendance of any witness who shall refuse or neglect to appear. 5 10

58.
Inspectors and
Sub-Inspec-
tors competent
Witnesses.

And be it Enacted, That it shall be no objection to the competency of any Inspector or Sub-Inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such Inspector or Sub-Inspector. 15

59.
Justices
may enforce
attendance of
Witnesses.

And be it Enacted, That any Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence before him at a time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before him who shall neglect or refuse to appear at the time and place appointed in any summons, proof, upon oath, being first given of personal service of the summons upon the person against whom such warrant shall be granted, and may commit any person coming or brought before him, who shall refuse to give evidence, to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding One Month, or until such person shall sooner submit himself to be examined ; and in case of such submission, the order of any Justice shall be a sufficient warrant to any gaoler or prison-keeper for the discharge of such person. 20 25 30

60.
Inspectors
and Sub-
Inspectors
may summon
Offenders and
Witnesses.

And be it Enacted, That every Inspector and Sub-Inspector shall be empowered to summon before a Justice of the Peace any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge ; and every such summons shall be of the same effect as if issued by a Justice of the Peace, after complaint upon oath before him, and shall be enforced in like manner, and the like proceedings may be had thereupon as if complaint upon oath had been made before such Justice for such offence ; and every constable and other peace-officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable to 35 40

to be punished as if the summons had been issued by a Justice of the Peace ; and every such summons of an offender or witness may be in the form provided in each case and given in the Schedule (D.) hereunto annexed ; and when an Inspector or Sub-Inspector shall summon an
 5 offender, he shall give to the same constable or peace-officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the period named in the summons for the appearance
 10 of the party charged with such offence.

And be it Enacted, That it shall be sufficient in any summons or other proceeding, upon a complaint for an offence against this Act, to set forth the name of the ostensible occupier, or title of the firm by which the occupier employing the work-people of the factory may
 15 be usually known ; and the service of any summons, order or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving a copy thereof in writing at the dwelling-house of the person to whom the same shall be addressed, or, in the case of summoning, or giving
 20 an order or notice to the occupier of a Factory, or to a Schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post, directed to the occupier of the Factory at the Factory, or to the Schoolmaster at his school.

61.
 In case of
 Partnership,
 One name
 sufficient for
 Summons.

And be it Enacted, That if any child shall be allowed to enter, or
 25 be in any Factory, except at meal-times, or during the stoppage of the whole machinery of the Factory, it shall be evidence that such child was then employed in that Factory ; but yards, play-grounds and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the Factory, in which no machinery is used, or manufac-
 30 turing process carried on, shall not be taken to be any part of the Factory, with reference to this enactment ; but children and young persons shall be allowed to bring tea or other articles of food to the workers in a Factory, between the hours of Four and Five of the clock in the afternoon only, provided they are not employed in any description of
 35 work in the Factory while there.

62.
 Evidence of
 Employment.

And be it Enacted, That any person who shall be convicted of having employed a child or young person in any manner contrary to the provisions of this Act, such person not being the parent nor having any direct benefit from the wages of such child, shall for every
 40 such offence be adjudged to pay a penalty of not less than Twenty Shillings, and not more than Three Pounds, for each child or young person so illegally employed : Provided always, That if it shall be proved that such offence was committed during the night, the penalty shall not be less than Forty Shillings, nor more than Five Pounds.

63.
 Penalties for
 employing
 Children and
 young Persons
 longer than
 allowed by
 the Act.

64.
Penalty on
Parents for
allowing
Children to be
employed
contrary to
this Act.

And be it Enacted, That the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by this Act, or who shall neglect to cause such child to attend school as hereinbefore provided, shall be liable to a penalty of not less than Five Shillings, and not more than Twenty Shillings, for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such offence has been committed without the consent, connivance or wilful default of such parent or person so benefited. 5

65.
Penalty for
not lime-
washing the
Factory.

And be it Enacted, That the penalty for not lime-washing the walls, passages, staircases, and ceilings or tops of rooms, of a Factory within the period prescribed by the Act, or for not washing, as hereinbefore provided, the inside walls, and ceilings or tops of rooms, which are painted with oil, shall not be less than Three nor more than Ten Pounds, and not less than Two Pounds additional penalty for every month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms, to remain without being lime-washed or washed as aforesaid, after being convicted of this offence. 10 15

66.
Penalty for
not guarding
Machinery.

And be it Enacted, That the penalty for not guarding the several parts of the machinery and wheelrace required by this Act to be guarded, shall be not less than Five Pounds and not more than Twenty Pounds. 20

67.
Penalty for
not fencing off
dangerous
Machinery,
after Notice.

And be it Enacted, That if any person shall suffer any bodily injury, in consequence of the occupier of a Factory having neglected to guard any part of the mill-gearing or machinery, or any strap or band, in the Factory, of which he shall have received notice in writing from an Inspector or Sub-Inspector as hereinbefore provided, that the same was deemed to be dangerous, the occupier of such Factory shall pay a penalty not less than Ten Pounds, and not more than One hundred Pounds; and the whole or any part of such penalty may be applied for the benefit of the injured person; or, otherwise, as the Secretary of State shall determine; and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, That the occupier of the Factory shall not be liable to any such penalty, if the notice shall have been cancelled as hereinbefore provided. 25 30 35

68.
Penalty or
obstructing
Inspectors.

And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-Inspector, or Inspector of Schools in the execution of any of the powers intrusted to him by this Act, shall be liable, for each offence, to a fine of not less than Three Pounds and not more than Ten Pounds.

And

And be it Enacted, That every person convicted before any Justice of the Peace of making, giving, signing, countersigning or making use of any certificate authorized or required by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making
 5 any false certificate, or any false entry in any register, or any other account, paper or notice required by this Act, and also every person convicted of wilfully giving false evidence, or making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty, not less than Five Pounds and not more than Twenty Pounds,
 10 or to be imprisoned for any time, not more than Six Months, in the house of correction in the county, town or place where the offence was committed.

69.
 Offences which shall be punishable by Fine or Imprisonment.

And be it Enacted, That the penalty for any offence against this Act, for which no specific penalty is hereinbefore provided, shall be any sum
 15 not less than Two Pounds and not more than Five Pounds.

70.
 Penalty for Offences not otherwise specified.

And be it Enacted, That every person who shall be convicted Twice within Twelve Months for an offence of the same kind against this Act, shall pay for his second offence any sum not less than One-half of the highest penalty for that offence; and if convicted Three
 20 times within Twelve Months for an offence of the same kind, he shall pay not less than Two-thirds of the highest penalty; and if convicted more than Three times for an offence of the same kind, he shall pay the highest penalty; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences
 25 referred to in this enactment, unless such second or subsequent offences have been committed after notice has been given of the intention to prefer a complaint for the previous offences; and in any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than One hundred
 30 Pounds, the sum of One hundred Pounds, together with all the reasonable costs and charges of such proceedings and convictions, may be paid instead of the penalties for all the offences committed by him before the day on which the last summons was taken out against him.

71.
 Penalty in case of second and subsequent Convictions.

And be it Enacted, That any Justice before whom any person shall be
 35 convicted of any offence against this Act, or any person acting as Clerk to the Justices where such conviction shall have taken place, or the Clerk of the Peace where such conviction shall have been filed, shall, upon the request in writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his
 40 hand to be a true copy; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act, provided that such conviction shall take place within Twenty-four Months preceding the day when the person named in the conviction shall be convicted of another offence.

72.
 How former Conviction may be proved.

73.
Application
of Penalties.

And be it Enacted, That all penalties for any offence against either of the Acts hereby repealed, which shall not have been otherwise appropriated at the time when this Act shall come into force, and every penalty imposed under this Act, the whole or part of which shall not be otherwise applied under the direction of the Secretary of State, shall be paid, on account of the Inspector for the district in which the penalty was imposed, to such banker as shall be appointed by such Inspector to receive the same; and every person to whom any penalty shall be paid, shall pay over the amount thereof to the banker so appointed within Fourteen Days of receiving the same; and all such penalties, except in the case hereinbefore provided, shall be applied by such Inspector, under the direction of One of Her Majesty's Principal Secretaries of State, in such manner as shall appear best for the establishment or support of day schools for the education of children employed in Factories.

74.
Convictions
to be filed
amongst
Records of
County.

And be it Enacted, That every conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the Clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewartry, town or place.

75.
No Appeal
from Convic-
tions.

And be it Enacted, That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at the discretion of the Justice by fine or imprisonment, neither shall any conviction, except as aforesaid, be removable by certiorari or bill of advocation, into any Court whatever; and no information, conviction or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time and place intended shall have been so stated as to have been, in the opinion of the Justice, clearly understood by the person charged with such offence; and it shall not be necessary, in any information, conviction or other proceeding under this Act, to define the processes carried on in such Factory, or nature of the power by which the machinery of such Factory is moved, or to set out that the Factory or process or employment referred to is not within any of the cases excepted, provided that it be therein stated that such Factory is a Factory within this Act; and the proof of being within any such excepted cases shall lie upon the party claiming the benefit of such exception.

And

And be it Enacted, That in all cases in which a Justice of the Peace is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and is hereby
 5 required to exercise the same in Scotland; but no complaint preferred for any offence against this Act committed in a Factory, shall be heard by a Justice of the Peace or Burgh Magistrate, having a beneficial interest in or being an occupier of the Factory, or being the father, son or brother of the occupier of the Factory, in which the
 10 offence set forth in the complaint shall have been committed.

76.
 Burgh Magistrates in Scotland to exercise same Powers as Justices of Peace in England.

And be it Enacted, That until the First day of October One thousand eight hundred and Forty-six, children above Eleven Years of age employed solely in the winding and throwing of Raw Silk, may work for any time not exceeding Ten Hours on any working day, but not after
 15 Four of the clock of the afternoon of any Saturday, and without any proof of their having attended a school: Provided always, That every such child shall be allowed the same time for meals, and shall have the same holidays, as are provided by this Act for all young persons; and the penalty for employing such child in such a factory for more
 20 than Ten Hours on any one day, shall not be less than Twenty Shillings, and not more than Three Pounds, for such child so employed.

77.
 CLAUSE (E.)
 Exemptions of Silk Mills.

And be it Enacted, That no conveyance, order, certificate, charge, deed, appointment, precept, agreement, document or paper given under the authority of and for the purposes of this Act, shall be liable
 25 to the payment of any stamp duty.

78.
 Exemption from Stamps.

And be it Enacted, That this Act shall commence and come into force on the First day of October in the year One thousand eight hundred and Forty-three, except as to the powers granted by this Act to make any appointments, or to determine any duties, or to make any
 30 regulations, or to fix any salaries in the manner hereinbefore provided, which powers shall come into force on the passing of this Act; but no other provisions contained in this Act shall be of any force until the First day of October in the year One thousand eight hundred and Forty-three.

79.
 Commencement of Act.

And be it Enacted, That this Act may be amended or repealed by
 35 any Act to be passed in this Session of Parliament.

80.
 Act may be repealed or amended.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)—CERTIFICATES.

*(To be written or printed on white Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a CHILD to be employed in the Factory of
situated at in

No. _____ I, _____ of _____
do hereby certify, That _____ son [or, daughter] of _____ and _____
residing in _____ has been personally examined by me
this _____ day of _____ One thousand eight hundred and _____
and that the said child has the ordinary strength and appearance of a child of at least
Eight years of age, and that I believe the real age of the said child to be at least EIGHT
years; and that the said child is not incapacitated, by disease or bodily infirmity, from
working daily in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given to Children employed in Silk Mills in
proof that a child is Eleven Years of age, shall be the same as the above, substituting the
word "Eleven" for the word "Eight."

*(To be written or printed on coloured Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of
situated at in

No. _____ I, _____ of _____
do hereby certify, That _____ son [or, daughter] of _____ and _____
residing in _____ has been personally examined
by me, this _____ day of _____ One
thousand eight hundred and _____ and that the said young person has the ordinary
strength and appearance of a young person of at least Thirteen years of age, and that I
believe the real age of the said young person to be at least THIRTEEN years; and that the
said young person is not incapacitated, by disease or bodily infirmity, from working daily
in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given in either case by any Practitioner who is
not a certifying Surgeon must be the same as the corresponding Form above given,
omitting the words "duly appointed a certifying Surgeon," and substituting the words
"duly authorized by the University [or, College, or other public body having authority in
that behalf] of _____ to practise Surgery [or, Medicine],"
and making the following addition, which must be signed by a Justice of the Peace
or Burgh Magistrate:—

The child [or, young person] named in the above-written certificate has been this day
brought before me, and the appearance of the said child [or, young person] agrees with
the description therein given; and I believe the real age of the said child [or, young
person]

person] to be at least [*here insert the word "Eight" in the case of a child, or "Thirteen" in the case of a young person*], years; and I declare, that I have no beneficial interest in and am not the Occupier of any Factory, and that I am not the Father, Son or Brother of the Occupier of any Factory.

[illegible]

In every Surgical Certificate of Age, the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any Certificates, authorized by this Act to be received as proof of the age of any persons, shall be obtained by the occupier of a Factory or his agent, they shall be fixed in a book, to be called "THE AGE CERTIFICATE BOOK," in the order of the dates at which they shall have been respectively received; and such Certificate shall be numbered in the order in which they are so fixed in the book; but the Certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book; and shall be marked with a series of running numbers distinct from that of the Certificates for young persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the number hereinbefore required to be set against each Certificate shall be set against the name of the child or young person for whom such Certificate has been granted, in the first column of the Register of the persons employed, required by this Act, to be kept in each Factory. And if the Certificate be a copy of the entry in any Register of the Birth or Baptism of a child or young person, the letter (B.) shall be affixed to the number required to be entered in the aforesaid Factory Register.

If a Surgeon shall have refused to grant a Certificate of Age to any child or young person, the word "Refused" shall be written in the column of the Register where the numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon,
do hereby declare, that _____ son [or, daughter] of _____
residing in _____ has been personally examined by me, this _____
day of _____ One thousand eight hundred and _____ and that in my
opinion the said [child, or, young person] has NOT the ordinary strength and appearance
[of a child of at least Eight years of age (or, of a young person of at least Thirteen years
of age) or (or, and) is incapacitated by disease and bodily infirmity from working daily in
a Factory, for the time allowed by this Act.]

(signed) _____ Certifying Surgeon.

N. B.—The words within Brackets shall be in the hand-writing of the certifying Surgeon, who shall insert the reason of his refusal, to be either on account of deficient age, or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I hereby certify, That the undermentioned child [or, children] employed in the
 Factory of situated in has [or, have] attended the
 School kept by me at for the number of hours, and at the time on
 each day specified in the columns opposite to his [her, or their] name [or, names] during
 the week ending on Saturday the day of One thousand
 eight hundred and , and that the causes of absence stated are true to the
 best of my belief.

Name of Child.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Causes of Absence.
	Time.	Time.	Time.	Time.	Time.	Time.	
	From To	From To	From To	From To	From To	From To	

(signed) Schoolmaster, [or, Schoolmistress.]
the day of 18 .

Under the column headed "Time," the periods of the day that each child attends school shall be stated; as thus, from 9 to 12, or from 2 to 5, or any other time, as the case may be,—and all the children employed in the same Factory who attend school *before* One of the clock in the afternoon shall be entered together, distinct from those who attend school *after* One of the clock.

In the case of any child who has been absent from school, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be also inserted, so far as the same can be ascertained; and when any day has been a holiday at the school, the word "*Holiday*" shall be entered in the column of the day.

All School Certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "*THE SCHOOL CERTIFICATE BOOK*," in the order of their respective dates. Copies of the above Forms may be bound together in a book for each Factory.

SCHEDULE (B.)—REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

LIST of Young Persons employed in this Factory.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed, insert opposite the Name the word "Left;" and when any Male Person completes his Eighteenth Year, or any Female Person completes her Twenty-first Year of Age, the word "Adult."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of all young persons employed in the Factory, to be entered as they are engaged to work, whether for the first time or, after having left, when they are re-engaged to work; and no young persons shall be employed in any manner, or for any part of a day, whether they are to receive wages or not, until after the christian and surname of each, and the date of the first day of employment or re-employment of such young person, shall have been entered in this Register.

At the beginning of this Register shall be inserted—

1. The name of the Occupier or Firm.
2. The name of the Factory, the place, township, parish and county where it is situate, and the post-office to which the Occupier desires his letters to be directed.
3. The

3. The nature of the work carried on.
4. The nature of the moving power, and the amount thereof, expressed in the amount of horse power.
5. The clock by which the employment of the workers in his Factory is regulated.

Every alteration in any of the above particulars shall be inserted within Three Days after the alteration shall have been made.

6. The holidays and half-holidays which shall have been given in conformity with this Act shall be recorded together in a distinct place in this Register.

7. The dates when the several parts of a Factory shall have been limewashed or painted in oil, and, when painted in oil, the dates of their having been washed as required by this Act, and the names and residences of the persons by whom the Factory was limewashed or painted in oil, shall be recorded in a distinct place in this Register within Six days after they have been so limewashed, painted or washed; and this declaration of the times of limewashing, painting, and washing, shall be signed by the mill-occupier or his principal agent.

8. The Visits of the Certifying Surgeon to the Factory shall be recorded in this Register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no child or young person in the Factory to be examined at the time of his visit, he shall insert in this column the word "None."

† If none be granted, he shall insert the word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under 13 Years of Age are employed.

NAMES of the Children employed in this Factory before Twelve o'Clock at Noon, or
THE MORNING SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Afternoon Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

NAMES of the Children employed in this Factory after One o'Clock in the Afternoon, or
THE AFTERNOON SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Morning Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of all children under 13 years of age employed in the Factory, to be entered as they are engaged to work, whether for the first time, or, after having left, when they are re-engaged to work; and no children shall be employed in any manner, or for any part of a day, whether they are to receive wages or not, until after the christian and surname of each, and the date of the first day of employment or re-employment of the child, shall have been entered in this Register.

If any child be removed from the Morning Set to the Afternoon Set, or *vice versâ*, the name of such child must be entered as a new comer in the Register for the Set to which it is removed, and the number of its Certificate of Age must be placed against its name, but no new Certificate shall be required for such child.

If the Mill Occupier desires to change the time of working of the two entire sets of children at stated periods, (as for instance) to make a change every month, so that the children who worked in the Morning one month shall work in the Afternoon the next month, and *vice versâ* for the other children, alternately throughout the year, it will not be necessary to enter the names of the children anew; but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration; in addition to the other details hereinbefore required:—

1. The Children entered in this Register, as belonging to the MORNING SET, work in this Factory before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

2. The Children entered in this Register, as belonging to the AFTERNOON SET, work in this Factory after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

Signature of _____ Occupier or Agent.

A change in the time of working of the two entire sets of children may be made at any other stated periods, provided the necessary alterations be made in the above declaration, to the satisfaction of the Inspector or Sub-Inspector of the district.

In all mills where more than 20 children or young persons are employed, the names of such children or young persons shall be kept in their respective Registers in alphabetical order, according to the first letter of the surname, or they may be entered successively as engaged, provided there be kept, in a separate book, an alphabetical Index of Reference to the Surgical Certificates.

All the Forms contained in this Schedule (B.) which shall be applicable to any particular Factory, shall be bound together in one book, except the alphabetical Index of Reference, hereinbefore referred to.

SCHEDULE (C.)—NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Hours of Work of all Young Persons employed in the Factory.

The Hours of Work of all Young Persons employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hour.
*	From	To	From	To	From	To	From	To	
	—		—		—		—		

* In this space the Days of the Week to which the hours of work refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The TIMES allowed for MEALS in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
*	From	to	From	to	From	to
	"	"	"	"	"	"
	"	"	"	"	"	"

* In this space the Days to which the meal hours refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Hours of Work in a Factory, where any Persons are employed at any other Periods of the Day than during the Hours fixed up for the Work of Young Persons, or where any Persons are employed during the Night.

The Hours of Work at which Persons are employed in this Factory, who work at Periods of the Day different from Young Persons, are as follows :

Days of the Week.	At Night, before the Factory Working Day ; that is, before 6 in the Morning.	During the Factory Working Day ; that is, between 6 in the Morning and 8 in the Evening.				At Night, after the Factory Working Day ; that is, after 8 in the Evening.
		Morning.	Forenoon.	Afternoon.	Evening.	
*	From to	From to	From to	From to	From to	From to

* In this space the Days of the Week to which the hours of work refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

FORM of the NOTICE to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought, and is intended to be recovered during the following Night.

NOTICE OF TIME LOST AND RECOVERED.

TIME LOST.				TIME RECOVERED.			
Description of the Room where the Stoppage took place, and of the Machinery stopped.	Time of the Day when the Stoppage took place.	Amount of Time Lost.		Signature of the Person taking Time.	Time of the Night when the Young Persons were Employed.	Amount of Time Recovered.	
		Hours.	Minutes.			Hours.	Minutes.

A Copy of this Notice must be sent by post to the Sub-Inspector of the District in which the Mill is situated, on one of the Three First Days of the Month next following that in which any time shall have been lost and recovered.

NAMES of the YOUNG PERSONS who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when Time was lost.	Surname.	Christian Name.	Date when Time was lost.	Surname.	Christian Name.

The entries of time lost, and of the names of the Young Persons who have lost time, shall be made in these Notices before any part of the time can be recovered.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any part of the Time which has been lost by the Stoppage of the Machinery in the Factory, as allowed by this Act.

ACCOUNT OF TIME LOST AND RECOVERED.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

 { Signature of the Occupier of the Factory or his Agent.

No lost time is required to be entered, except such as it may be intended to recover. The entries of all the details required relating to any time lost or recovered shall be made in this Notice within Three Days after any part of the time shall have been lost or recovered.

All Notices of time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the order of their respective dates, and be open for the examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six calendar Months after the lost time entered therein shall have been recovered.

SCHEDULE (D.)—FORMS OF NOTICES, SUMMONSES AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such Strap or Band used to drive the Machinery in the Factory, as appears to him to be dangerous to the Workers.

To (*name of Occupier*), Occupier of a (*description of the manufacture*) Factory, situated in the Parish of _____ and County of _____

I hereby give you Notice that the following parts of the Machinery in your Mill, namely (*here enumerate the parts*), appear to me to be dangerous, and likely to cause bodily injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely enclosed or guarded. And I hereby further give you Notice, that, by the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided, that if, after receiving this Notice, you shall neglect or fail to enclose or guard the above-enumerated Machinery, and if any bodily injury shall afterwards be inflicted on any person, in consequence of such neglect or failure, you will be liable to a penalty of One Hundred Pounds, over and above all costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand, this _____ day of _____ in the Year One thousand eight hundred and _____

(signed) _____ Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS to be issued by an INSPECTOR or SUB-INSPECTOR against a Person who has committed an Offence.

County of _____ }
(*or*, Borough of) }

To the Constable of _____

WHEREAS it appeareth to me, I. F., one of Her Majesty's Inspectors (*or*, Sub-Inspector) of Factories, that A. D. of _____ in the county (*or*, borough, &c.) of _____ hath offended against the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*); Forasmuch as he the said A. D., on the _____ day of _____ in the year of our Lord _____ at _____ in the county (*or*, borough, &c.) of _____ did (*here set forth the substance of the charge*): These therefore are to require you forthwith to summon the said A. D. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (*or*, borough, &c.) of _____ who shall be present at _____ in the county (*or*, borough, &c.) of _____ on the _____ day of _____ at the hour of _____ in the _____ noon of the same day, to answer to the said charge, and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this _____ day of _____ in the year of our Lord _____
(signed) _____ I. F., Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS of a WITNESS to be issued by an INSPECTOR
or SUB-INSPECTOR.

County of }
(or, Borough of) }

To the Constable of

WHEREAS it appeareth to me, I, F., one of Her Majesty's Inspectors (or, Sub-Inspector) of Factories, that A. D. of in the county (or, borough, &c.) of hath offended against the Act made in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*); Forasmuch as he the said A. D., on the day of in the year of our Lord at in the county (or, borough, &c.) of did (*here set forth the substance of the charge*), and that B. P. of in the county (or, borough, &c.) is a material Witness to be examined concerning the said charge: These therefore are to require you forthwith to summon the said B. P. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (or, borough, &c.) of as shall be present at in the county (or, borough, &c.) of on the day of at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand, this day of in the year of our Lord
(signed) I. F., Inspector (or, Sub-Inspector.)

FORM OF CONVICTION.

County of } BE it Remembered, That on the day of
(Liberty or Borough, } in the year One thousand eight hundred and A. B.
as the case may be.) } (*describe the offender*) is convicted before me, J. P., one of Her
Majesty's Justices of the Peace for the county (liberty or borough, as the case may be), of
in pursuance of an Act passed in the year of the reign of Queen
VICTORIA, intituled, (*here insert the title of this Act*), for that he (*describe the offence*.)

Given under my hand and seal the day and year above written.

J. P.

L. S.

Factories.

A

B I L L

[AS AMENDED BY THE COMMITTEE,
AND ON RE-COMMITMENT,]

For regulating the Employment of Children
and Young Persons in Factories, and for
the better Education of Children in Factory
Districts.

(Prepared and brought in by
Sir James Graham and Mr. Manners Sutton.)

*Ordered, by The House of Commons, to be Printed,
19 June 1843.*



A

B I L L

For regulating the Employment of Children, Young Persons and Women in Factories.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS the Laws for regulating the employment of Children and Young Persons in Factories need amendment; **B**E it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *First day of October in the year One thousand eight hundred and Forty-four*, the Act passed in the forty-second year of his late Majesty GEORGE the Third, intituled, "An Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and in Cotton and other Factories," and the two Acts passed in the fourth year of the reign of his late Majesty, respectively intituled, "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," and "An Act to explain and amend an Act of the last Session of Parliament for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," shall be repealed, except as to any thing theretofore done under the authority or in contravention of the said Acts, or either of them, and except so far as either of them repeals any part of any other Act.

Preamble.

1.
Repeal of
42 G. 3,
c. 73;
3 & 4 W. 4,
c. 103, and
4 & 5 W. 4,
c. 1.

2.
Interpretation
Clause.

Sex.

Number.

"Child."

7.

A

of

" Young Person."	of thirteen years; and the words " Young Person" shall be taken to	
" Parent."	mean a person of the age of thirteen years, and under the age of eighteen years; and the word " Parent " shall mean parent, guardian, or person having the legal custody of any such child or	
Employment.	young person; and any child or young person who shall work in any Factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed to be employed therein within the meaning of this Act; and the words " Inspector " and " Sub-inspector " shall mean respectively an inspector and a sub-inspector of factories; and the word	5
" Inspector."	" Agent" shall be taken to mean any person, having on behalf of the occupier of any Factory the care or direction thereof, or of any part thereof, or of any person employed therein; and the word " Month" shall be taken to mean a calendar month; and the word " Night" shall be taken to mean from eight of the clock in the evening to	10
" Agent."	six of the clock in the following morning; and the word " Meal-time" shall be taken to mean an interval of cessation from work for the purpose of rest and refreshment; and the words " Mill-gearing " shall be taken to comprehend every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley by which the motion of the first moving power is communicated to any machine appertaining to the manufacturing processes; and the word " Factory " shall be taken to mean all buildings and premises situated within any part of the United Kingdom of Great Britain and Ireland, wherein or within the close or curtilage of which, steam, water, or any other mechanical power, shall be used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any other material, or any fabric made thereof; and any room situated within the outward gate or boundary of any Factory, wherein children or young persons are employed in any process incident to the manufacture carried on in the Factory, shall be taken to be a part of the Factory, although it may not contain any machinery; and any part of such Factory may be taken to be a Factory within the meaning of this Act; but this enactment shall not extend to any part of such Factory used solely for the purposes of a dwelling-house, nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any Factory nor to any part of a Factory used solely for the manufacture of lace, of hats, or of paper, or solely for bleaching, dyeing, printing or calendering; and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely	15
" Month."		
" Night."		
" Meal-time."		
" Mill-gearing."		20
" Factory."		
		25
		30
		35
Exception to the term Factory.		
		40
Exemption when packing finished Goods.		

solely in packing goods in any warehouse or part of a Factory not used for any manufacturing process, or for any labour incident to any manufacturing process; and nothing in this Act contained shall extend to any young person, being a mechanic, artisan or labourer, working only in making and repairing the machinery, or any part of the Factory.

Exemption
in favour of
Mechanics.

And be it Enacted, That no child under the age of *Eight Years* shall be employed in any Factory.

3.
Children
under *Eight*
not to work
in Factories.

And be it Enacted, That no child shall be employed in any Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided; and no child shall be employed in any Factory until after the christian and surname of such child, and the date of the first day of employment or re-employment of such child, shall have been registered in the form and according to the directions given in the Schedule (B.) to this Act annexed.

4.
No Child to
be employed
without a
Surgical
Certificate.

And be it Enacted, That no young person under *Sixteen Years* of age shall be employed in a Factory without a surgical certificate, according to the form and directions given in the Schedule (A.) to this Act annexed, save as hereinafter provided; and no young person shall be employed in any Factory until after the christian and surname of such young person, and the date of the first day of employment or re-employment of such young person, shall have been registered in the form and according to the directions given in the Schedule (B.) to this Act annexed.

5.
No young
person under
Sixteen
Years to be
employed
without a
Surgical Cer-
tificate.

Provided always, and be it Enacted, That no occupier of any Factory shall be liable to any penalty for employing children above *Eight Years* age, or young persons under the age of *Sixteen Years*, without the aforesaid surgical certificate, for the number of hours to which the labour of children and young persons is respectively restricted by this Act, for any time not exceeding *Seven* working Days, or when the certifying Surgeon shall reside more than *Three Miles* from the Factory, for any time not exceeding *Thirteen* working Days, provided all surgical certificates for children and young persons employed in that Factory be granted only by the certifying Surgeon appointed to grant certificates for that Factory; but this enactment shall not be construed to dispense with the certificate of school-attendance, as hereinafter provided in the case of a child under *Thirteen Years* of age, or to authorize the employment of any child or young person in respect of whom the certifying Surgeon shall have refused to grant the certificate required by this Act for a child or young person respectively.

6.
Children and
young persons
may be em-
ployed *Seven*
or *Thirteen*
Days without
Certificate.

7.
Children not
to work more
than Six
Hours and
Thirty Mi-
nutes daily.

And be it Enacted, That no child shall be employed in any Factory more than *Six Hours and Thirty Minutes* in any one day, save as herein-
after excepted ; and no child who shall have been employed in a Factory
before *Twelve* of the clock at noon of any day, shall be employed in the
same or any other Factory after *One* of the clock in the afternoon of
the same day. 5

8.
Young per-
sons and
women not to
be employed
more than
Twelve
Hours daily.

And be it Enacted, That no young person, and no female of any age,
shall be employed in a Factory in any one day more than *Twelve*
Hours, or after the expiration of *Twelve* Hours from the time when any
child or young person in the Factory first begins to work in the morn- 10
ing, over and above the time given for meal-times, save in the cases
hereinafter excepted.

9.
Children and
young persons
not to be em-
ployed in
more than
one Factory.

And be it Enacted, That no child or young person shall be employed
in any Factory on the same day on which such child or young person
shall have been employed in any other Factory. 15

10.
Children and
young persons
and women
not to work
in the Night.

And be it Enacted, That no child or young person, and no female of
any age, shall be employed in a Factory in the night, unless for the
recovery of lost time in the case hereinafter allowed ; but it shall be
lawful to employ children and persons above *Thirteen* Years of age as
early as *Half-past Five* of the clock in the morning, between the 20
Fifteenth day of March and the *Fifteenth* day of October in every year ;
provided that the occupier of a Factory shall previously send a notice of
his intention to commence work at *Half-past Five* of the clock in the
morning, in writing, by post, the postage being paid, to the Sub-In-
specter of the District in which the Factory is situated ; and provided 25
also, that in such Factory during the aforesaid period, no child or young
person, or female of any age, shall be employed after the hour of *Half-
past Seven* of the clock in the evening.

11.
Recovery of
time lost from
drought or
floods.

And be it Enacted, That in any Factory in which the machinery
is moved by the power of water, the time which shall have been 30
lost by the stoppage of the whole machinery from drought or
from floods may be recovered in manner following within *Three*
Months next after the stoppage ; and, in order to recover time so
lost, persons above *Thirteen* Years of age may be employed at
any time in the night, not later than midnight, and for *Seventy- 35*
two Hours in the week : Provided always, That no such person
be employed more than *Thirteen* Hours within the *Twenty-four*
hours of any one day ; but it shall not be lawful to recover any lost
time unless a notice specifying the day and hour when such time was
lost, and the amount of time lost, with the cause of such loss, in the
form and according to the directions given for that purpose in 40
Schedule (C.) to this Act annexed, shall have been previously fixed up
in

in the entrance of the Factory, and in such other places as an Inspector or Sub-Inspector may direct, where it may be easily read by the persons employed in the Factory, nor shall lost time be recovered on two successive days unless the amount of time recovered on any one day shall be inserted before *Nine* of the clock in the morning of the following day in the same notice as aforesaid, and the said notice shall remain so fixed up so long as such lost time is in course of recovery.

And be it Enacted, That no child, young person or female of any age shall be employed in a Factory, either to recover lost time or for any other purpose, on any Saturday, after *Half-past Four* of the clock in the afternoon.

12.
Work to cease
on Saturday
at Half-past
Four.

And be it Enacted, That at least *One Hour and a Half* shall be allowed for meal-times to every young person and to every female above Eighteen years employed in a Factory, which shall be taken between the hours of Half-past Seven in the morning and Half-past Seven in the evening of every day, and *One Hour* thereof at the least shall be allowed, either the whole at one time, or at different times, before Three of the clock in the afternoon; and no child or young person shall be employed more than *Five Hours* before One of the clock in the afternoon of any day without an interval for meal-time of at least *Thirty Minutes*; and during any meal-time which shall form any part of the hour and a half hereby required to be allowed for meals, no child or young person, and no female above *Eighteen Years* of age shall be employed or allowed to remain in any room in which any manufacturing process is then carried on; and all the young persons and females above *Eighteen Years* of age employed in a Factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed by one of the Inspectors hereinafter mentioned.

13.
One Hour and
a Half shall be
allowed for
Meal-times.

And be it Enacted, That the times of employment of all persons in the same Factory shall be regulated by a public clock; or by some other clock open to the public view, to be approved of in either case, by the Inspector.

14.
Precaution to
ensure regu-
larity in the
observance of
time.

And be it Enacted, That every young person and every female above *Eighteen Years* of age employed in a Factory shall have for holidays in every year not less than *Eight Half Days*, to be taken together or separately, on such working days as the occupier of the Factory may choose; and on such Half Days no young person and no female above *Eighteen Years* of age shall be employed in the Factory; provided, that at least *Four* of such half-holidays be given between the Fifteenth day of March and the First day of October in each year to every young person, and every female above *Eighteen Years* of age who shall be employed in the Factory during the whole of such period;

15.
Eight Half
Holidays to
be in every
year.

and on such half-holidays no young person or female above *Eighteen* Years of age shall be employed in any Factory more than *Six Hours and Thirty Minutes* ; but no cessation from work shall be deemed a half-holiday unless notice of the time of such cessation from work shall have been fixed up in the entrance of the Factory and in any other place that the Inspector or Sub-Inspector may direct, the day preceding ; and that in addition to such *Eight Half Days*, no child or young person, and no female above *Eighteen* Years of age, shall be allowed to work in any Factory on Christmas-day or Good Friday, in England or Ireland ; and in Scotland no child or young person, and no female above *Eighteen* Years of age, shall be allowed to work on that day of the week when the entire day is set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish in which the Factory is situated.

16.
Children to
attend School.

And be it Enacted, That, subject to the restrictions hereinafter provided, the parent or person having any direct benefit from the wages of any child employed in a Factory, shall cause such child to attend some school on the day after the first employment, and thenceforth on each working day during which the said child shall continue in such employment ; so that on every such day, except in the cases hereinafter provided, such child shall attend school during at least *Three Hours* after the hour of Eight of the clock in the morning, and before the hour of Six of the clock in the evening : Provided always, That any child attending school after One of the clock in the afternoon shall not be required to remain in school more than *Two Hours and a Half* on any one day, between the First day of November and the last day of February, and that the non-attendance of every such child shall be excused on every Saturday, and on every day on which such child shall be certified by the schoolmaster to have been prevented by sickness or other unavoidable cause from attending the school, or on which any holiday authorized by this Act, or by consent in writing of the Inspector of the district in which the Factory is situated, shall occur during the week, or where the school-room is situated within the outer boundary of the Factory at which such child is employed, on every day on which the school shall be closed in consequence of the said Factory ceasing to be at work during the whole day.

17.
Occupier of
Factory to
obtain School
Certificate,

And be it Enacted, That the occupier of every Factory in which a child is employed shall, on Monday, or on any other day appointed for that purpose by an Inspector, in every week after the first Sunday from such child having commenced work in the Factory, obtain a certificate from a Schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school, as required by this Act, during the foregone week ; and such occupier shall keep such certificate

certificate for *Six Months* after the date thereof, and produce the same to any Inspector or Sub-Inspector when required during such period, and shall, when required by the Inspector for the district, pay to the Schoolmaster of such child, or to such other person
 5 as the said Inspector may direct, toward the expenses of educating such child, such sum as the Inspector may require, not exceeding *Two-pence* per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of *One-twelfth*
 10 part of the weekly wages of such child.

and to pay
School Fees.

And be it Enacted, That all the inside walls, ceilings or tops of rooms, whether plastered or not, and all the passages and staircases of every Factory, which shall not have been painted with oil once at least within *Seven Years*, shall be lime-washed Once at least within
 15 every successive period of *Fourteen Months*, to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap Once at least within every successive period of *Fourteen Months*,
 20 as aforesaid.

18.

Factories to be
lime-washed
yearly.

And be it Enacted, That after the expiration of *Six Months* from the date of this Act coming into operation no child or young person shall be employed in any part of a Factory in which the wet-spinning of flax, hemp, jute or tow is carried on, unless sufficient means shall
 25 be employed and continued to the satisfaction of the Inspector or Sub-Inspector of the District, for protecting the workers from being wetted, and where hot water is used, for preventing the escape of steam into the room occupied by the workers.

19.

Protection of
Workers in
wet-spinning
Flax Mills.

And be it Enacted, That no child or young person shall be allowed
 30 to clean any part of the wheels of the mill-gearing in a Factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine, while the latter is in motion by the action of the
 35 steam-engine, water-wheel or other mechanical power.

20.

Mill-gearing
not to be
cleaned while
in motion.

And be it Enacted, That every fly-wheel directly connected with the steam-engine or water-wheel, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, and every hoist or teagle, near to which children or young
 40 persons are liable to pass or be employed; and all parts of the mill-gearing in a Factory, shall be securely fenced; and every
 7. A 4 wheel-

21.

Machinery to
be inclosed
or guarded.

wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race; and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel or other mechanical power for any manufacturing process : Provided always, That notice in writing of an intention to prefer a complaint before a Justice that any part of the aforesaid machinery, hoist or teagle, or wheel-race has not been securely fenced, shall be given *Four Days* at least previous to the day fixed for hearing the complaint; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to the Inspector, or Sub-Inspector, who shall be the complainant, *Forty-eight Hours* previous to the day fixed for hearing the case.

22.

Inspector or
Sub-Inspector
to give notice
of dangerous
Machinery.

And be it Enacted, That if an Inspector or Sub-Inspector shall observe in a Factory any part of the machinery of any kind or description, or any driving strap or band not securely fenced, which he shall deem likely to cause bodily injury to any person employed in such Factory, he shall give notice in writing to the occupier of such Factory, or his agent, of such part of the machinery, or such strap or band as he shall deem to be dangerous, according to the form and directions given in Schedule (D.) to this Act annexed ; and the occupier of the Factory, or his agent, shall sign a duplicate copy of this notice in acknowledgment of his having received it : Provided always, That upon an application in writing made by the occupier of the Factory, within *Fourteen Days* after he shall have received such notice, Two arbitrators skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the occupier of the Factory in the aforesaid application, and the other by the Inspector of the district, with the least possible delay after he shall have received such application ; and the said Two arbitrators shall proceed to examine the machinery alleged to be dangerous within *Fourteen Days* of the appointment of the arbitrator named by the Inspector ; and if the Two arbitrators so appointed shall not agree in opinion, the said Two arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery ; and if the said Two arbitrators, or any Two of them, shall sign an opinion in writing addressed to the Inspector of the district that it is unnecessary or impossible to fence the machinery, or strap or band alleged in the notice to be dangerous, the Inspector of the district on receipt of the same shall cancel the said notice ; and if the decision of the arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous, the expense

expense of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expenses of the reference shall be paid by the occupier of the Factory, and shall be
 5 recoverable as the penalties under this Act are recoverable.

And be it Enacted, That if any accident shall occur in a Factory which shall cause any bodily injury to any person employed in the Factory, by which such person shall be interrupted in the continu-
 10 ance of his usual employment in the Factory, the occupier of the Factory, or, in his absence, his principal agent in the Factory at the time when the accident occurred, shall, without delay, on the same day on which the accident has occurred, send a notice thereof in writing, by a messenger, to the Surgeon appointed to grant certificates of age for the district in which the Factory is situated; and if the
 15 injured person shall have been, or is about to be, removed from the Factory, the place to which the person has been, or is about to be, removed, shall be stated in the notice to the Surgeon; and the Surgeon shall send a copy of such notice to the Sub-Inspector of the district by the first post after the receipt thereof.

23.
 Notice to be given of any accident.

And be it Enacted, That if a certifying Surgeon shall receive notice that an accident has occurred, which has caused bodily injury to any person employed in a Factory, for which he has been appointed to grant certificates of age, he shall with the least possible delay proceed to the said Factory, and make a full investigation as to the
 25 nature and cause of such bodily injury, and shall within the next *Twenty-four* Hours send to the Inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the Inspector of the district shall send to the office of the Factory Inspectors
 30 as soon as conveniently may be; and the certifying Surgeon, for the purpose of such investigations only, shall have the same power, authority and protection as an Inspector, and shall also have power to enter any room in any building to which the injured person may have been removed; and for such investigation the said Surgeon
 35 shall receive a fee not exceeding *Ten Shillings*, or such part thereof, not being less than *Three Shillings*, as the Inspector of the district may consider a reasonable remuneration to the Surgeon for his trouble, which fee shall be paid as other expenses incurred under this Act.

24.
 Certifying Surgeon to examine into the cause and extent of accident, and report thereon.

And be it Enacted, That registers shall be kept in the Factory to which they relate, by the occupier of every Factory, according to the forms and directions given in Schedule (B.) to this Act annexed; and every Inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to
 40

25.
 Registers to be kept in every Factory.

the persons employed or the work done in the Factory which such Inspector may deem requisite to facilitate the performance of his duties or any inquiry made under the authority of this Act; but no information so sent by the occupier of any Factory shall be admissible in evidence in any proceeding against him for the recovery 5 of any penalty; and the registers, certificates and other documents required to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same at any time when the Factory is at work.

26.

Abstract of
this Act, and
certain
Notices, to be
hung up in
every Fac-
tory.

And be it Enacted, That an abstract of such parts of this Act as 10 shall be directed by One of Her Majesty's Principal Secretaries of State, shall be fixed on a moveable board and be hung up, as soon as received by the occupier of the Factory or his agent, in the entrance of the Factory; and notices of the names and addresses of the Inspector and Sub-Inspector of the district in which the Factory is 15 situated, of the clock by which the hours of work in the Factory are regulated, of the times of beginning and ending work on each day of all persons employed in the Factory, whether children, young persons or adults, of the times of the day and amount of time allowed for their several meals, of all time lost which is intended to be reco- 20 vered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters and fixed on moveable boards each particular notice being signed by the occupier of every Factory, or his agent, shall be hung up in the entrance of the Factory, where they may be easily read by 25 the persons employed in the Factory, and whence they shall not be removed while the Factory is at work; and in case any such abstract of this Act or notice shall become illegible in any part, the occupier of the Factory shall cause a new copy thereof to be provided and hung up as aforesaid; and the Inspector or Sub-Inspector of the dis- 30 trict may order any such abstract or notice or copies thereof to be hung up in any conspicuous place within the Factory, whence the same shall not be removed while the Factory is at work; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered; and every 35 notice required to be hung up shall be in the forms and according to the directions given in the Schedule (C.) hereunto annexed.

27.

Appointment
of Inspectors.

And be it Enacted, That the four Inspectors appointed by his late Majesty under the second Act hereby repealed, shall be, during Her Majesty's pleasure, the Inspectors of Factories under this Act; and 40 in every case of vacancy of the office of Inspector, Her Majesty may appoint, by warrant under the sign manual, another fit person to the vacant office; and every Inspector shall report his proceedings in the execution of this Act, in such manner and at such times as shall be directed by One of Her Majesty's Principal Secretaries of State.

And

And be it Enacted, That every Inspector shall, *Once* at least in every year, report as to the treatment and the condition of the children and young persons employed in the Factories under his inspection, and shall also report the several offences which shall have
 5 been prosecuted in his district, with an account of all penalties inflicted, and the appropriation thereof; and all cases of accidents from machinery occurring in Factories within his district, of which he shall have received notice, with a description of the nature of the accident, and of the bodily injury caused thereby, to any person working in the
 10 Factory, and whether or not such Factories are conducted according to the provisions of this Act, which reports shall be laid before Parliament within *Six Weeks* after being received, or after the next meeting of Parliament.

28.
Inspectors
to report their
proceedings.

And be it Enacted, That the said Inspectors shall meet *Once*
 15 at least every year, and oftener if required by One of Her Majesty's Principal Secretaries of State, and shall at such meetings confer together on their several proceedings in the execution of this Act; and the majority then present, the number present being not less than Three, shall make such rules for regulating their own proceed-
 20 ings and the proceedings of the Sub-Inspectors as may be necessary for the purpose of making their several proceedings and visitations as uniform as possible; but no such rule shall be of force until approved by One of Her Majesty's Principal Secretaries of State; and every such rule, when so approved, shall be binding on the Inspectors and
 25 Sub-Inspectors, until revoked by an order from such Secretary of State.

29.
Inspectors
to meet *Once*
in every year,
and Three
Inspectors
may make
Rules.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State shall appoint a sufficient number of other persons, to be Sub-Inspectors, to assist [in the execution of this Act, under the direction of the Inspectors; and the Superintendents who may have been ap-
 30 pointed under the second Act hereby repealed shall be Sub-Inspectors under this Act; and every Sub-Inspector shall hold his office during the pleasure of such Secretary of State, and shall be paid such yearly salary as shall be from time to time fixed by the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain
 35 and Ireland, beside such reasonable travelling and other necessary expenses as shall have been incurred by him in the execution of his official duties; and in every case of vacancy of the office of Sub-Inspector, One of Her Majesty's Principal Secretaries of State may in like manner appoint another fit person to be Sub-Inspector.

30.
Appointment
of Sub-In-
spectors.

And be it Enacted, That no Inspector or Sub-Inspector shall be
 40 required to serve upon any jury, or to serve any parochial or municipal office, so long as he shall continue to hold the office of Inspector or Sub-Inspector.

31.
Inspectors
and Sub-
Inspectors
exempted
from serving
on Juries.

32.
Power of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That every Inspector and Sub-Inspector shall have power to enter every part of any Factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a Factory, for the purpose of ascertaining whether any work is carried on therein 5 which is regulated by this Act, and to enter any school in which children employed in Factories are educated, and at all times to take with him the certifying Surgeon of the district, and any Constable or other Peace Officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other 10 person, as he shall think fit, every person whom he shall find in a Factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a Factory, within *Two* Months next preceding the time when he shall require him to be examined, touching any matter within the provisions of this Act; and the Inspector 15 or Sub-Inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have power to examine the registers, certificates, notices and other documents kept in pursuance of this 20 Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined; or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or 25 being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the admission of an Inspector or Sub-Inspector to any part of a Factory or school, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the execution of the powers intrusted to him. 30

33.
Protection of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That the provisions of an Act passed in the twenty-fourth year of the reign of King GEORGE the Second, intituled, "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants," as amended by any subsequent Act, 35 so far as they relate to rendering Justices of the Peace more safe in the execution of their office, shall extend to protect the Inspectors and Sub-Inspectors in the exercise of their duties under this Act.

34.
Office of
Factory
Inspectors.

And be it Enacted, That a proper office, to be called "The Office of the Factory Inspectors," shall be provided in London or 40 Westminster for the use of the Inspectors, and for the preservation of the Factory Records, and all documents relating to the several proceedings under this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from time to time such clerks

clerks and servants as may be deemed necessary to carry on the business of the said office, and at pleasure remove them, or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the clerks and servants in fit proportion, according to the duties they may have to perform.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the approval of such Principal Secretary, from time to time may make regulations for the management of the said office, and for regulating the duties of the several Inspectors and Sub-Inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, clerks and servants respectively.

35.
Management of the office, and regulating duties of Inspectors.

And be it Enacted, That every person, on commencing the occupation of a Factory, shall, within *One Month*, send to the Sub-Inspector of the district a written notice containing the name of the Factory, the place, township, parish and county where it is situated, the post-office to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the Factory is to be carried on, and a duplicate copy of such notice shall be addressed "To the Office of the Factory Inspectors, London."

36.
Persons beginning to occupy a Factory to send notice to Sub-Inspector and to the Office of Factory Inspectors.

And be it Enacted, That any Inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying Surgeons, for the purpose of examining children and young persons who shall be brought before them to obtain the surgical certificates of age hereinbefore required, and of giving the said certificates, and shall in every such appointment specify the Factories or district for which each Surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every appointment of a certifying Surgeon, and every order annulling such appointment, may be revoked by the Secretary of State on appeal made to him for either purpose, and the Inspector of the district shall make known the name of the certifying Surgeons so from time to time appointed or discontinued to the occupiers of the Factories in that district, in such manner as to him shall seem fit; but no Surgeon being the occupier of a Factory, or having a beneficial interest in any Factory, shall be a certifying Surgeon.

37.
Certifying Surgeons to be appointed by an Inspector.

And be it Enacted, That the surgical certificates required by this Act may be given by any person duly authorized by any University or College, or other public body having authority in that behalf, to practise

38.
Certificates may be given by any Surgeon or Physician of the

neighbour-
hood, but if
not given
by certifying
Surgeon, must
be counter-
signed by a
Magistrate.

surgery or medicine, although he may not have been appointed a certifying Surgeon ; but no surgical certificate given by any person who is not an appointed certifying Surgeon shall be of any force until it shall have been countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace not having any beneficial interest in or being occupier of a Factory, and not being the father, son or brother of the occupier of a Factory ; and no person shall countersign any such surgical certificate which he shall not believe to be true, or in the absence of the child or young person named therein, or without proof that the child or young person brought before him is the same to whom the certificate was granted. 5 10

39.
Surgical
Certificates
to be given
at the Fac-
tory.

And be it Enacted, That no Surgeon shall grant any surgical certificate required by this Act, except upon personal inspection of the child or young person named therein ; and no certifying Surgeon shall examine any child or young person for the purposes of this Act, or sign or issue any surgical certificate elsewhere than at the Factory where the child or young person is to be employed, unless for special cause, to be allowed by an Inspector ; and if a certifying Surgeon shall refuse to grant a certificate of age for any child or young person presented to him for examination, he shall instead of such certificate give when required, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed. 15 20

Inspector
may grant
exemptions.

40.
Agreement
between Mill
Occupier and
certifying
Surgeon.

And be it Enacted, That if the occupier of a Factory shall agree in writing with the certifying Surgeon of a district for the payment to be made by the occupier of the Factory to the certifying Surgeon for examining children and young persons for the certificates of age required for such Factory ; and if the terms of such agreement shall be in conformity with such regulations for the guidance of the Surgeons as shall be made by the Inspector of the district, and shall be countersigned by the Inspector in token of such conformity, all penalties which may be incurred by any party to such agreement may be recovered, as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are hereinafter directed to be applied. 25 30

41.
Inspector
may fix
Surgeon's
Fees.

And be it Enacted, That an Inspector shall fix the amount of fees to be paid by the occupier of a Factory, and the period when such fees shall be paid to the certifying Surgeon, and also the period when such certifying Surgeon shall visit a Factory, provided he shall be required to fix such fees and visits by the occupier of a Factory ; and the fees so to be fixed by the Inspector shall not in any case exceed *One Shilling* for each child or young person who shall be presented to him at the Factory by the mill-owner or his agent to be examined, together with *Sixpence* for every Half Mile that the distance of the Factory from the residence 35 40

residence of such Surgeon shall exceed One Mile ; and such fees, including mileage, shall in no case exceed *Five Shillings* for any one visit, except when upon such visit the certifying Surgeon shall examine more than Ten children or young persons who may be brought before him as

5 aforesaid, in which case he shall receive *Sixpence* for each child or young person that he may examine for the said certificates of age, instead of all other fees ; and in any case where a Factory is situated within the distance of One Mile from the residence of a certifying Surgeon, the fee for such Factory shall not be less than *One Shilling*, and shall not exceed

10 *Two Shillings and Sixpence* for each visit, except when at any one visit he shall examine for the said certificates of age more than Five children or young persons who may be brought before him as aforesaid, in which case he shall receive *Sixpence* for each child or young person that he may so examine, instead of all other fees ; and no certifying Surgeon

15 shall receive more than *Sixpence* for any certificate which he may be allowed by an Inspector, as hereinbefore provided, to sign or issue otherwise than at the Factory where the child or young person is to be employed ; and the occupier of any Factory shall pay such fees to the certifying Surgeon at the period of signing such certificates, or at any

20 other period when he may be directed by the Inspector to do so ; and the occupier of such Factory may deduct the fee, or any part thereof, not exceeding in any one case the sum of *Three-pence*, from the wages of the child or young person for whom the certificate may have been granted ; but in any case where such agreement, as aforesaid, has been executed

25 between an occupier of a Factory and the certifying Surgeon, the amount named in such agreement shall be instead of the fees fixed by any Inspector in virtue of this Act : Provided always, That no certifying Surgeon shall be required to visit any Factory situated within *Three Miles* of his residence, oftener than Once in each week, or

30 to visit any Factory situated at a greater distance than *Three Miles* oftener than Once in every fortnight, unless with the consent of the occupier of the Factory.

And be it Enacted, That every surgical certificate given under this Act, or which has been granted conformably to the second Act hereby

35 repealed, and which shall not have been annulled, shall be evidence, in the first instance, of the age of the child or young person named therein, but shall not protect any person, knowing such child or young person to be of less than the age certified, from any penalty for employing, or conniving at the employment, of such child or young person, otherwise than is allowed by this Act ; and in every proceeding on any

40 information or complaint for employing a child or young person contrary to this Act, a declaration in writing by the certifying Surgeon of the district, that he has personally examined the child or young person, and believes him or her to be under the age of Eight Years,

42.
Surgical
Certificates
to be proof of
Age.

or *Thirteen* or *Eighteen* Years, as the case may be, shall be evidence, in the first instance, of the age of such person, until the contrary shall be made to appear.

43.

Proof of age
of children
and young
persons em-
ployed with-
out a surgical
certificate.

And be it Enacted, That if any Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any person 5 who is employed without a surgical certificate is less than *Sixteen*, the occupier of the Factory in which such person is employed shall be liable to the penalties for employing children or young persons without the surgical certificate required for a child or young person respectively, unless, upon the proceeding for the enforcement 10 of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his *Sixteenth* Year of age.

44.

Proof of
Adult Age.

And be it Enacted, That if an Inspector or Sub-Inspector shall make a complaint before a Justice that the real age of any male person 15 employed in a Factory in a manner contrary to the provisions of this Act for young persons, is less than *Eighteen*, the occupier of the Factory shall, save in the cases hereinafter excepted, be liable to the penalty for employing such young person contrary to the provisions of this Act, unless upon the proceeding for the enforcement of such 20 penalties, he shall prove that the said person had completed his *Eighteenth* Year.

45.

Inspectors
and Sub-
Inspectors
may annul
Certificates.

And be it Enacted, That children or young persons who shall be employed in a Factory at the time when this Act shall come into force, under surgical certificates of age, granted under the second Act 25 hereby repealed, shall not be required to have new surgical certificates of age, in the form and manner provided by this Act, but every Inspector and Sub-Inspector may annul any surgical certificate granted under this Act, and any surgical certificate granted before the passing of this Act, by writing across the surgical certificate the word "*Annulled*," 30 with his name, and the date of annulling such certificate ; provided that in either case he shall have reason to believe the real age of the child or young person mentioned therein to be less than that mentioned in the certificate, or provided the certifying Surgeon of the district shall, upon reference made to him, deem such child or young 35 person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment ; and no certificate so annulled shall be valid in respect of the child or young person named therein for the purposes of this Act, from the day when the certificate shall have 40 been so annulled ; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

And

And be it Enacted, That in case any person shall be desirous of proving the real age of any child or young person for whom a certifying Surgeon shall have refused to grant a certificate of age, or whose surgical certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on demand, give to such person a requisition, under his hand, in a form to be approved of by the Inspectors and by the Registrar-General, for the production of a duly certified copy of the entry of the birth or baptism of such child or young person; provided the person demanding the same shall declare the christian and surname of the child or young person and of its parents, together with the place where, and the month and year in which, such child or young person was born or baptized, which particulars shall be set forth in the requisition; and every person to whom such requisition shall have been given shall be entitled, upon payment of *One Shilling*, and no more, to receive, on personal application, or on application in writing, in such form and under such regulations as shall be approved of by the Inspectors and Registrar-General, from any minister, registrar, or other person having the care of any register of births or baptisms, in which the birth or baptism of such child or young person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar or other person having charge of such register; and such payment of *One Shilling* shall be instead of all other fees or payments to which such minister, registrar or other person shall be entitled; and if the said child or young person shall produce the said certified copy, proving the age of such child to be above *Eight Years*, or of such young person to be above *Thirteen Years*, to the certifying Surgeon of the district, he shall examine the same; and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying Surgeon shall thereupon, without further fee or reward, give to such child or young person a surgical certificate, in the form provided for that case in Schedule (A.) to this Act annexed, and shall write the word "Examined" upon the certified copy of the birth or baptism which he shall have received, with his signature and the date of such signature, and shall send such certified copy by the post to the Sub-Inspector of the district, who shall send a receipt for the same by post to the said Surgeon, and shall keep such certified copy of birth or baptism for future reference, if necessary; and if any Inspector of Factories shall require a certified copy of the entry of the birth of any child or young person employed in any Factory, from the office of the Registrar-General, he shall be entitled to examine the registers in the General Registry Office, and to receive such certificate without the payment of any fee; but no certified copy of birth or baptism issued in consequence of any such requisition shall be admissible in evidence in any court, or for

any purpose, save for the purposes of this Act: Provided always, That in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, the Inspector or Sub-Inspector shall not sign the requisition hereinbefore mentioned, and 5
such child or young person shall not be employed on proof of real age alone.

47.
Certificates
to serve only
for One Fac-
tory.

And be it Enacted, That before employing any child or young person under *Sixteen* Years of age, the occupier of the Factory shall obtain the surgical certificate required by this Act, save as 10
herein excepted, and shall keep and be bound to produce every such certificate, or certified copy of an entry in a register of births or baptisms, when required, to the Inspector or Sub-Inspector; and no surgical certificate shall be valid, except at the Factory for which it was 15
originally granted, or at any other Factory in the occupation of the same person who is occupier of the Factory at which the certificate was originally granted, provided such other Factory be in the district of the certifying Surgeon who granted the certificate, and the certificate be produced in the Factory where the child or young person 20
named in the certificate is at work; and the certifying Surgeon, each time he visits a Factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit, and the other particulars set forth in the Form, and according to the directions given in Schedule (B.) to the Act annexed.

48.
Prosecution
for Compens-
ation by an
Inspector.

And be it Enacted, That One of Her Majesty's Principal Secretaries 25
of State, on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such Inspector to have received any bodily injury from the machinery of any Factory, for the recovery of damages for and on behalf of such 30
person.

49.
Application of
Compensation
when reco-
vered.

And be it Enacted, That any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and 35
benefit of the said person in such manner as shall be approved of by the Secretary of State; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the Inspector, as he might have 40
had against the plaintiff, and all charges and expenses incurred in bringing any such action, beyond what are recovered from the defendant,

defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act.

And be it Enacted, That the occupier of any Factory in which any offence against this Act has been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant or workman, whom he shall charge as the actual offender, brought by summons before the Justice at the time appointed for hearing the complaint made against him by the Inspector or Sub-Inspector; and if after the commission of the offence has been proved, the occupier of the Factory shall prove, to the satisfaction of the Justice, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant or workman had committed the offence in question, without his knowledge, consent or connivance, the said agent, servant or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the Factory; and the payment of such penalty and costs shall be enforced against the agent, servant or workman, in like manner as penalties are made recoverable by this Act: Provided always, That when it shall be made to appear to the satisfaction of the Inspector or Sub-Inspector, at the time of discovering the offence, that the occupier of the Factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance or knowledge of the occupier, and in contravention of his orders, then the Inspector or Sub-Inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the Factory.

50.
Occupier of
the Factory
to be liable
in the first
instance.

And be it Enacted, That all complaints for offences against this Act shall be preferred within *Two* Months next after the commission of the offence, except in the case of complaints for offences punishable at the discretion of a Justice, by fine or imprisonment, or for working on Christmas-day, Good Friday or the Sacramental Fast-days, or for not giving all or any of the Eight half-days for holidays required to be given, in each of which cases the complaints may be preferred within *Three* Months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence

51.
Complaints to
be preferred
within Two
Months.

shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing Two or more children or young persons, contrary to the provisions of this Act; as hereinafter specially provided.

52.

Proceedings
under this
Act may be
had before
any Justice.
Penalties may
be recovered
as in 5 G. 4,
c. 18.

And be it Enacted, That all proceedings for the enforcement of
any penalty under this Act may be had before any Justice of the
Peace acting for the county or other jurisdiction wherein the offence
was committed, or before any Justice of any adjoining county or juris-
diction, provided that the place of hearing the complaint in such other
county or jurisdiction be not more than Five miles from the place
where the offence was committed; and the Justice by whom any
person shall be fined for any offence against this Act may order
that such person shall pay the penalty, and also the reasonable costs
and charges of such proceedings and conviction, either immediately
or within such time as the said Justice shall think fit; and in
default of payment thereof, the Justice may cause the same to
be levied by distress and sale of the goods and chattels of the
party convicted, together with the reasonable costs and charges of such
distress and sale, by warrant under the hand and seal of any such Justice;
and where the warrant of distress is directed against the goods and
chattels of any person being the occupier of a Factory, it shall be law-
ful under such warrant to distrain any goods and chattels found in the
said Factory which would be liable to be distrained for rent in arrear.

Power of dis-
training goods
in Factory
where Occu-
pier is con-
victed.

53.

Issue of
Summons for
Offences
against Act.

And be it Enacted, That in England and Ireland, a summons
for an offence against this Act shall be issued by any Justice, upon
complaint being made to him in writing by an Inspector or Sub-
Inspector, or upon oath before him by any other person, that
to the best of the knowledge and belief of the Inspector, Sub-In-
spector or such other person, such an offence has been committed;
and in Scotland, a summons for an offence against this Act shall be
issued by any Justice, upon complaint being made to him in writing
by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by
any person having a title and interest to prosecute with the concu-
rence of the Procurator Fiscal, that to the best of the knowledge and
belief of the Inspector, Sub-Inspector, Procurator Fiscal or such other
person such an offence has been committed; and in every such prose-
cution in Scotland the proceedings shall be summary, and it shall not
be necessary to take down in writing more than the substance of the
evidence; and no higher or other fees shall be allowed to the Clerk of
Court or Constables, than are allowed to be paid to the Sheriff Clerk
and Sheriff Officers in causes and prosecutions under the authority of
an Act passed in the tenth year of the reign of King GEORGE the
Fourth, intituled, "An Act for the more effectual Recovery of Small
Debts,

Debts, and for diminishing the Expenses of Litigation in Causes of Small Amount in the Sheriff Courts in Scotland."

And be it Enacted, That every person who shall be summoned to answer any complaint shall be bound to appear at the time and place mentioned in the summons, and to produce before the Justice every register, or other account, paper or notice, required by this Act to be kept by him or his agent, which shall be mentioned in the summons; and if he shall not appear accordingly, then (upon proof of due service of the summons) the Justice may either hear and determine the case in his absence, or issue his warrant, as hereinafter provided, for enforcing his attendance and the attendance of any witness who shall refuse or neglect to appear.

54.
Compelling
Parties to
appear and
bring Re-
gister.

And be it Enacted, That it shall be no objection to the competency of any Inspector or Sub-Inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such Inspector or Sub-Inspector.

55.
Inspectors and
Sub-Inspect-
ors competent
Witnesses.

And be it Enacted, That any Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence before him at a time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before him who shall neglect or refuse to appear at the time and place appointed in any summons, proof, upon oath, being first given of personal service of the summons upon the person against whom such warrant shall be granted, and may commit any person coming or brought before him, who shall refuse to give evidence, to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding *One Month*, or until such person shall sooner submit himself to be examined; and in case of such submission, the order of any Justice shall be a sufficient warrant to any gaoler or prison-keeper for the discharge of such person.

56.
Justices
may enforce
attendance of
Witnesses.

And be it Enacted, That every Inspector and Sub-Inspector shall be empowered to summon before a Justice of the Peace any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge; and every such summons shall be of the same effect as if issued by a Justice of the Peace, after complaint upon oath before him, and shall be enforced in like manner, and the like proceedings may be had thereupon as if complaint upon oath had been made before such Justice for such offence; and every constable and other peace-officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable to be punished as if the summons had been issued by a Justice of the

57.
Inspectors
and Sub-
Inspectors
may summon
Offenders and
Witnesses.

Peace ; and every such summons of an offender or witness may be in the form provided in each case and given in the Schedule (D.) hereunto annexed ; and when an Inspector or Sub-Inspector shall summon an offender, he shall give to the same constable or peace-officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the Clerk of any such Justice, at least *Twenty-four* Hours before the period named in the summons for the appearance of the party charged with such offence. 5

58.
In case of
Partnership,
One name
sufficient for
Summons.

And be it Enacted, That it shall be sufficient in any information, complaint or other proceeding under this Act, to set forth the name of the ostensible occupier, or title of the firm by which the occupier employing the work-people of the Factory may be usually known ; and the service of any summons, order or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling-house of the person to whom the same shall be addressed, or, in the case of summoning, or giving an order or notice to the occupier of a Factory, or to a Schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post, directed to the occupier of the Factory at the Factory, or to the Schoolmaster at his school. 10 15 20

59.
Evidence of
Employment.

And be it Enacted, That in any complaint of the employment of any person in a Factory for a longer time in any one day than is allowed by this Act, the time of beginning work in the morning, which shall be stated in any notice fixed up in the Factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the Factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same shall continue fixed up in the Factory, unless the contrary shall be proved ; and if any child or young person shall be allowed to enter, or be in any Factory, except at meal-times, or during the stoppage of the whole machinery of the Factory, it shall be evidence that such child or young person was then employed in that Factory ; but yards, play-grounds and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the Factory, in which no machinery is used, or manufacturing process carried on, shall not be taken to be any part of the Factory, with reference to this enactment ; but children and young persons shall be allowed to bring tea or other articles of food to the workers in a Factory, between the hours of *Four* and *Five* of the clock in the afternoon only, provided they are not employed in any description of work in the Factory while there. 25 30 35 40

60.
Penalties for
employing
Children,
young Persons

And be it Enacted, That any person who shall be convicted of having employed a child, or young person or female of any age in any manner contrary to the provisions of this Act, or for employing a child

child without having obtained a certificate from a schoolmaster as hereinbefore required, such person not being the parent nor having any direct benefit from the wages of such child, shall for every such offence be adjudged to pay a penalty of not less than *Twenty Shillings*, and not more than *Three Pounds*, for each child, or young person or female so illegally employed: Provided always, That if it shall be proved that such offence was committed during the night, the penalty shall not be less than *Forty Shillings*, nor more than *Five Pounds*.

and Women longer than allowed by the Act.

And be it Enacted, That the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by this Act, or who shall neglect to cause such child to attend school as hereinbefore provided, shall be liable to a penalty of not less than *Five Shillings*, and not more than *Twenty Shillings*, for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such offence has been committed without the consent, connivance or wilful default of such parent or person so benefited.

61.

Penalty on Parents for allowing Children to be employed contrary to this Act.

And be it Enacted, That the penalty for not lime-washing the walls, passages, staircases, and ceilings or tops of rooms, of a Factory within the period prescribed by the Act, or for not washing, as hereinbefore provided, the inside walls, and ceilings or tops of rooms, which are painted with oil, shall not be less than *Three* nor more than *Ten Pounds*, and not less than *Two Pounds* additional penalty for every month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms, to remain without being lime-washed or washed as aforesaid, after being convicted of this offence.

62.

Penalty for not lime-washing the Factory.

And be it Enacted, That the penalty for not fencing the several parts of the machinery, hoist or teagle and wheelrace required by this Act to be fenced, shall be not less than *Five Pounds* and not more than *Twenty Pounds*.

63.

Penalty for not fencing Machinery.

And be it Enacted, That if any person shall suffer any bodily injury, in consequence of the occupier of a Factory having neglected to fence any part of the machinery, or any hoist or teagle, or any wheelrace required by this Act to be securely fenced, or having neglected to fence any part of the machinery, or any driving strap or band in the Factory, of which he shall have received notice in writing from an Inspector or Sub-Inspector as hereinbefore provided, that the same was deemed to be dangerous, the occupier of such Factory shall pay a penalty not less than *Ten Pounds*, and not more than *One hundred Pounds*; and the whole or any part of such penalty may be applied for the benefit of the injured person; or,

64.

Penalty for not fencing dangerous Machinery, after Notice.

otherwise, as the Secretary of State shall determine; and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, That the occupier of the Factory shall not be liable to any such penalty, if the notice which he shall have received from an Inspector or Sub-Inspector shall have been cancelled as hereinbefore provided, or that in any proceeding against an occupier of a Factory for not securely fencing that part of the machinery, hoist, teagle or wheelrace by which such bodily injury was inflicted, the complaint shall have been heard and dismissed previous to the time when such bodily injury was inflicted. 5 10

65.
Penalty for obstructing Inspectors or Sub-Inspectors.

And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-Inspector, in the execution of any of the powers intrusted to him by this Act, shall be liable, for each offence, to a fine of not less than *Three Pounds* and not more than *Ten Pounds*. 15

66.
Penalty for obstructing Inspectors or Sub-Inspectors in the night.

And be it Enacted, That every occupier of a Factory in which an Inspector or Sub-Inspector shall be obstructed in the night by any attempt to prevent his making a full and complete examination of all parts of the Factory, and of every person employed therein, shall be liable to a penalty of not less than *Twenty Pounds* and not more than *Fifty Pounds*. 20

67.
Offences which shall be punishable by Fine or Imprisonment.

And be it Enacted, That every person convicted before any Justice of the Peace of making, giving, signing, countersigning, counterfeiting or making use of any certificate authorized or required by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited certificate, or any false entry in any register, or any other account, paper or notice required by this Act, and also every person convicted of wilfully giving false evidence, or making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty, not less than *Five Pounds* and not more than *Twenty Pounds*, or to be imprisoned for any time, not more than *Six Months*, in the house of correction in the county, town or place where the offence was committed. 25 30

68.
Penalty for Offences not otherwise specified.

And be it Enacted, That the penalty for any offence against this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than *Two Pounds* and not more than *Five Pounds*. 35

69.
Penalty in case of second and subsequent Convictions.

And be it Enacted, That every person who shall be convicted Twice within *Twelve Months* for an offence of the same kind against this Act, shall pay for his second offence any sum not less than *One-half* of the highest penalty for that offence; and if convicted *Three* times within *Twelve Months* for an offence of the same kind, he shall pay not less than *Two-thirds* of the highest penalty; and if convicted 40 convicted

convicted more than *Three* times for an offence of the same kind, he shall pay the highest penalty ; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offences have been committed after a complaint has been made for the previous offences ; and in any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than *One hundred Pounds*, the sum of *One hundred Pounds*, together with all the reasonable costs and charges of such proceedings and convictions, may be paid instead of the penalties for all the offences committed by him before the day on which the last summons was taken out against him.

And be it Enacted, That any Justice before whom any person shall be convicted of any offence against this Act, or any person acting as Clerk to the Justices where such conviction shall have taken place, or the Clerk of the Peace where such conviction shall have been filed, shall, upon the request in writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy ; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act, within *Twenty-four* Months after the date of such conviction, and for every such copy the Clerk shall be entitled to have a fee of *One Shilling* and no more.

70.
How former
Conviction
may be
proved.

And be it Enacted, That all penalties for any offence against either of the Acts hereby repealed, which shall not have been otherwise appropriated at the time when this Act shall come into force, and every penalty imposed under this Act, the whole or part of which shall not be otherwise applied under the direction of the Secretary of State, shall be paid, on account of the Inspector for the district in which the penalty was imposed, to such banker as shall be appointed by such Inspector to receive the same ; and every person to whom any penalty shall be paid, shall pay over the amount thereof to the banker so appointed within *Fourteen* Days of receiving the same ; and all such penalties, except in the case hereinbefore provided, shall be applied by such Inspector, under the direction of One of Her Majesty's Principal Secretaries of State, in such manner as shall appear best for the establishment or support of day schools for the education of children employed in Factories.

71.
Application
of Penalties.

And be it Enacted, That every conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the Clerk of the Justices of the Peace, there to be filed

72.
Convictions
to be filed
amongst
Records of
County.

amongst the records of the county, riding, division, stewartry, town or place.

73.
No Appeal
from Convic-
tions.

And be it Enacted, That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at the discretion of the Justice by fine or imprisonment, neither shall any conviction, 5 except as aforesaid, be removable by certiorari or bill of advocation, into any Court whatever ; and no information, conviction or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of 10 any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time and place intended shall have been so 15 stated as to have been, in the opinion of the Justice, clearly understood by the person charged with such offence ; and it shall not be necessary, in any information, conviction or other proceeding under this Act, to define the processes carried on in such Factory, or nature of the power by which the machinery of such Factory is moved, or to set out that the Factory or process or employment referred to is not within any of 20 the cases excepted, provided that it be therein stated that such Factory is a Factory within this Act ; and the proof of being within any such excepted cases shall lie upon the party claiming the benefit of such exception.

74.
Burgh Magis-
trates in
Scotland to
exercise same
Powers as
Justices of
Peace in Eng-
land.

And be it Enacted, That in all cases in which a Justice of the Peace 25 is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and is hereby required to exercise the same in Scotland ; but no complaint preferred for any offence against this Act committed in a Factory, shall be 30 heard by a Justice of the Peace or Burgh Magistrate, having a beneficial interest in or being an occupier of the Factory, or being the father, son or brother of the occupier of the Factory, in which the offence set forth in the complaint shall have been committed.

75.
Exemptions
of Silk Mills.

And be it Enacted, That until the *First day of October in the year* 35 *One thousand eight hundred and Forty-six*, any child above *Eleven* Years of age employed solely in the winding and throwing of Raw Silk, may work without any proof of having attended a school, for any time not exceeding *Ten* Hours on any working day, but not after Half- 40 past Four of the clock of the afternoon of any Saturday : Provided always, That every such child shall be allowed the same time for meals, and shall have the same holidays, as are provided by this Act for all young persons ; and the penalty for employing such child in such

such a Factory for more than *Ten Hours* on any one day, shall not be less than *Twenty Shillings*, and not more than *Three Pounds*, for each child so employed.

5 And be it Enacted, That no conveyance, order, certificate, charge, deed, appointment, precept, agreement, document or paper given under the authority of and for the purposes of this Act, shall be liable to the payment of any stamp duty.

76.

Exemption
from Stamps.

10 And be it Enacted, That this Act shall commence and come into force on the *First day of October in the year One thousand eight hundred and Forty-four*, except as to the powers granted by this Act to make any appointments, or to determine any duties, or to make any regulations, or to fix any salaries in the manner hereinbefore provided, which powers shall come into force on the passing of this Act; but no other provisions contained in this Act shall be of any force until
15 the *First day of October in the year One thousand eight hundred and Forty-four*.

77.

Commence-
ment of Act.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

78.

Act may be
repealed or
amended.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)—CERTIFICATES.

*(To be written or printed on white Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a CHILD to be employed in the Factory of
situated at in

No. _____ I, _____ of _____ duly appointed a certifying Surgeon,
do hereby certify, That _____ son [or, daughter] of _____ and
residing in _____ has been personally examined by me
this _____ day of _____ One thousand eight hundred and
and that the said child has the ordinary strength and appearance of a child of at least
Eight years of age, and that I believe the real age of the said child to be at least EIGHT
years; and that the said child is not incapacitated, by disease or bodily infirmity, from
working daily in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given to a child who has obtained a Certificate of real age, shall be the same as above, omitting the words, “and that the said child has the ordinary strength and appearance of a child of at least Eight years of age, and that I believe the real age of the said child to be at least Eight years,” and substituting these words in their place—“and that a Certificate of the birth [or, baptism] of the said child has been produced to me in the Form required by this Act, proving that the real age of such child is at least Eight years.”

The Form of Surgical Certificate to be given to Children employed in Silk Mills in proof that a child is Eleven Years of age, shall be the same as the above, substituting the word “Eleven” for the word “Eight.”

*(To be written or printed on coloured Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of
situated at in

No. _____ I, _____ of _____ duly appointed a certifying Surgeon,
do hereby certify, That _____ son [or, daughter] of _____ and
residing in _____ has been personally examined
by me, this _____ day of _____ One
thousand eight hundred and _____ and that the said young person has the ordinary
strength and appearance of a young person of at least Thirteen years of age, and that I
believe the real age of the said young person to be at least THIRTEEN years; and that the
said young person is not incapacitated, by disease or bodily infirmity, from working daily
in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given to a young person who has obtained a Certificate of real age, shall be the same as above, omitting the words, “and that the said young person has the ordinary strength and appearance of a young person of at least Thirteen years of age, and that I believe the real age of the said young person to be at least Thirteen years,” and substituting these words in their place—“and that a Certificate of the birth [or, baptism] of the said young person has been produced to me in the Form required by this Act, proving that the real age of such young person is at least Thirteen years.”

The

The Form of Surgical Certificate to be given in either case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the words "duly appointed a certifying Surgeon," and substituting the words "duly authorized by the University [*or, College, or other public body having authority in that behalf*] of _____ to practise Surgery [*or, Medicine*]," and making the following addition, which must be signed by a Justice of the Peace or Burgh Magistrate:—

The child [*or, young person*] named in the above-written certificate has been this day brought before me, and the appearance of the said child [*or, young person*] agrees with the description therein given; and I believe the real age of the said child [*or, young person*] to be at least [*here insert the word "Eight" in the case of a child, or "Thirteen" in the case of a young person*], years; and I declare, that I have no beneficial interest in and am not the Occupier of any Factory, and that I am not the Father, Son or Brother of the Occupier of any Factory.

Dated this _____ day of _____ One thousand eight hundred
(signed) C. D., Justice,
[*or, Burgh Magistrate.*]

In every Surgical Certificate of Age, the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any Certificates, authorized by this Act to be received as proof of the age of any persons, shall be obtained by the occupier of a Factory or his agent, they shall be fixed in a book, to be called "THE AGE CERTIFICATE BOOK," in the order of the dates at which they shall have been respectively received; and such Certificates shall be numbered in the order in which they are so fixed in the book; but the Certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book; and shall be marked with a series of running numbers distinct from that of the Certificates for young persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the number hereinbefore required to be set against each Certificate shall be set against the name of the child or young person for whom such Certificate has been granted, in the first column of the Register of the persons employed, required by this Act, to be kept in each Factory. And if the Certificate be a copy of the entry in any Register of the Birth or Baptism of a child or young person, the letter (B.) shall be affixed to the number required to be entered in the aforesaid Factory Register.

If a Surgeon shall have refused to grant a Certificate of Age to any child or young person, the word "Refused" shall be written in the column of the Register where the numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon,
do hereby declare, that _____ son [*or, daughter*] of _____
residing in _____ has been personally examined by me, this _____
day of _____ One thousand eight hundred and _____ and that in my
opinion the said [child, *or, young person*] has not the ordinary strength and appearance
[of a child of at least Eight years of age (*or, of a young person of at least Thirteen years of age*) or (*or, and*) is incapacitated by disease and bodily infirmity from working daily in a Factory, for the time allowed by this Act.]

(signed) _____ Certifying Surgeon.

N. B.—The words within Brackets shall be in the hand-writing of the certifying Surgeon, who shall insert the reason of his refusal, to be either on account of deficient age, or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I hereby certify, That the undermentioned child [*or, children*] employed in the Factory of _____ situated in _____ has [*or, have*] attended the School kept by me at _____ for the number of hours, and at the time on each day specified in the columns opposite to his [*her, or their*] name [*or, names*] during the week ending on Saturday the _____ day of _____ One thousand eight hundred and _____, and that the causes of absence stated are true to the best of my belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(signed)

Schoolmaster, [*or, Schoolmistress.*]
the _____ day of _____ 18 .

Under the column headed "Time," the periods of the day that each child attends school shall be stated; as thus, from 9 to 12, or from 2 to 5, or any other time, as the case may be,—and all the children employed in the same Factory who attend school *before* One of the clock in the afternoon shall be entered together, distinct from those who attend school *after* One of the clock.

The time when each child attends school shall be stated in the column for each day, in the hand-writing of the schoolmaster, and no certificate shall be valid unless the Schoolmaster shall in his own handwriting subscribe to it his christian and surname in full.

In the case of any child who has been absent from school, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed "Causes of Absence," so far as the same can be ascertained; and when any day has been a holiday at the school, the word "*Holiday*" shall be entered in the column of the day.

All School Certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "*THE SCHOOL CERTIFICATE BOOK,*" in the order of their respective dates. Copies of the above Forms may be bound together in a book for each Factory.

SCHEDULE (B.)—REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

LIST of Young Persons employed in this Factory.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed, insert opposite the Name the word "Left;" and when any Person completes his Eighteenth Year of Age, the word "Adult."
	Surname.	Christian Name.	Month.	Day.	Year.	

This

This Register shall contain the names of every young person employed in the Factory, to be entered successively when engaged to work, whether for the first time, or after having left, when re-engaged to work.

At the beginning of this Register shall be inserted—

1. The name of the Occupier or Firm.
2. The name of the Factory, the place, township, parish and county where it is situated, and the post-office to which the Occupier desires his letters to be directed.
3. The nature of the work carried on.
4. The nature of the moving power, and the amount thereof, expressed in the amount of horse power.
5. The clock by which the employment of the workers in the Factory is regulated.

Every alteration in any of the above particulars shall be inserted within Three Days after the alteration shall have been made.

6. The holidays and half-holidays which shall have been given in conformity with this Act shall be recorded together in a distinct place in this Register.

7. The dates when the whole of the Factory, if done at one time, and the several parts if done at different times, shall have been limewashed or painted in oil, and, when painted in oil, the dates of their having been washed as required by this Act, and the names and residences of the persons by whom the Factory was limewashed or painted in oil, shall be recorded in a distinct place in this Register within Six days after they have been so limewashed, painted or washed; and this declaration of the times of limewashing, painting, and washing, shall be signed by the mill-occupier or his principal agent.

8. The Visits of the Certifying Surgeon to the Factory shall be recorded in this Register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no child or young person in the Factory to be examined at the time of his visit, he shall insert in this column the word "None."

† If none be granted, he shall insert the word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under 13 Years of Age are employed.

NAMES of the Children employed in this Factory before Twelve o'Clock at Noon, or
THE MORNING SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Afternoon Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

NAMES of the Children employed in this Factory after One o'Clock in the Afternoon, or
THE AFTERNOON SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Morning Set, the word "Changed;" or the words "Young Person," if a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of every child under 13 years of age employed in the Factory, to be entered successively when engaged to work, whether for the first time, or, after having left, when re-engaged to work.

If any child be removed from the Morning Set to the Afternoon Set, or *vice versâ*, the name of such child must be entered as a new comer in the Register for the Set to which it is removed, and the number of its Certificate of Age must be placed against its name, but no new Certificate shall be required for such child.

If the Mill Occupier desires to change the time of working of the two entire sets of children at stated periods, (as for instance) to make a change every month, so that the children who worked in the Morning one month shall work in the Afternoon the next month, and *vice versâ* for the other children, alternately throughout the year, it will not be necessary to enter the names of the children anew; but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration; in addition to the other details hereinbefore required:—

1. The Children entered in this Register, as belonging to the MORNING SET, work in this Factory before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

2. The Children entered in this Register, as belonging to the AFTERNOON SET, work in this Factory after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

Signature of

Occupier or Agent.

A change in the time of working of the two entire sets of children may be made at any other stated periods, provided the necessary alterations be made in the above declaration, to the satisfaction of the Inspector or Sub-Inspector of the district.

In all mills where more than 20 children or young persons are employed, an ALPHABETICAL INDEX shall be kept according to the first letter of the surname, of the names of all the children and young persons employed in the Factory, adding to each name the number of the certificate of age of the child or young person, or, if more than 16 years of age, the letters XVI.

All the Forms contained in this Schedule (B.) which shall be applicable to any particular Factory, shall be bound together in one book, except the alphabetical Index of Reference, hereinbefore referred to.

SCHEDULE (C.)—NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the Clock for Regulating the Factory, and the Hours of Work of all Young Persons and Females employed in the Factory.

Name and Address of the In-} _____
 spector of the District - -}

Name and Address of the Sub-} _____
 Inspector of the District - -}

Clock by which the Hours of} _____
 Work are regulated - - -}

The Hours of Work of all Young Persons and Females above Eighteen Years of Age employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hour.
	From	To	From	To	From	To	From	To	
•									

* In this space the Days of the Week to which the hours of work refer shall be entered.

 { Signature of the Occupier of
 the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The TIMES allowed for MEALS in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
	From	To	From	To	From	To
•						

* In this space the Days to which the meal hours refer shall be entered.

 { Signature of the Occupier of
 the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Hours of Work in a Factory, where any Male Persons above 18 years of age are employed at any other Periods of the Day than during the Hours fixed up for the Work of Young Persons, and Females, or where any Male Persons above 18 years of age are employed during the Night.

The Hours of Work at which Male Persons above 18 years of age are employed in this Factory, who work at Periods of the Day different from Young Persons and Females above 18 years of age, are as follows :

Days of the Week.	At Night, before the Factory Working Day ; that is, before 6 (or 5½) in the Morning.		During the Factory Working Day ; that is, between 6 (or 5½) in the Morning, and 8 (or 7½) in the Evening.								At Night, after the Factory Working Day ; that is, after 8 (or 7½) in the Evening.	
	From	To	Morning.		Forenoon.		Afternoon.		Evening.		From	To
			From	To	From	To	From	To	From	To		
*												

* In this space the Days of the Week to which the hours of work refer shall be entered.

 { Signature of the Occupier of the Factory or his Agent.

These notices of the regular Hours of Work fixed up in a Factory, are not required to be altered when young persons are only employed at other hours for recovery of lost time as authorized by this Act, provided the notice required to be fixed up when recovering lost time, be fixed up, and provided on such notice it is stated at what time of the day it is intended to recover the time so lost.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any part of the Time which has been lost by the Stoppage of the whole Machinery in the Factory, as allowed by this Act.

ACCOUNT OF TIME LOST AND RECOVERED.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

 { Signature of the Occupier of the Factory or his Agent.

No lost time is required to be entered, except such as it may be intended to recover. The entries of all the details in this Notice relating to any time lost or recovered shall be made in conformity with the provisions in the 11th Clause of this Act.

All Notices of time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the order of their respective dates, and be open for the examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six calendar Months after the lost time entered therein shall have been recovered.

SCHEDULE (D.)—FORMS OF NOTICES, SUMMONSES AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such driving Strap or Band in the Factory, as appears to him to be dangerous to the Workers.

To (*name of Occupier*), Occupier of a (*description of the manufacture*) Factory, situated in the Parish of _____ and County of _____

I hereby give you Notice that the following parts of the Machinery in your Mill, namely (*here enumerate the parts*), appear to me to be dangerous, and likely to cause bodily injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely fenced. And I hereby further give you Notice, that, by the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided, that if, after receiving this Notice, you shall neglect or fail to fence the above-enumerated Machinery, and if any bodily injury shall afterwards be inflicted on any person, in consequence of such neglect or failure, you will be liable to a penalty of One Hundred Pounds, over and above all costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand, this _____ day of _____ in the Year One thousand eight hundred and _____

(signed) _____ Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS to be issued by an INSPECTOR or SUB-INSPECTOR against a Person who has committed an Offence.

County of _____ }
(*or*, Borough *or*) }

To the Constable of _____

WHEREAS it appeareth to me, I. F., one of Her Majesty's Inspectors (*or*, Sub-Inspector) of Factories, that A. D. of _____ in the county (*or*, borough, &c.) of _____ hath offended against the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*); Forasmuch as he the said A. D., on the _____ day of _____ in the year of our Lord _____ at _____ in the county (*or*, borough, &c.) of _____ did (*here set forth the substance of the charge*): These therefore are to require you forthwith to summon the said A. D. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (*or*, borough, &c.) of _____ who shall be present at _____ in the county (*or*, borough, &c.) of _____ on the _____ day of _____ at the hour of _____ in the _____ noon of the same day, to answer to the said charge, and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this _____ day of _____ in the year of our Lord _____
(signed) _____ I. F., Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS of a WITNESS to be issued by an INSPECTOR
or SUB-INSPECTOR.

County of }
(or, Borough of)}

To the Constable of

WHEREAS it appeareth to me, I, F., one of Her Majesty's Inspectors (or, Sub-Inspector) of Factories, that A. D. of in the county (or, borough, &c.) of hath offended against the Act made in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*); Forasmuch as he the said A. D., on the day of in the year of our Lord at in the county (or, borough, &c.) of did (*here set forth the substance of the charge*), and that B. P. of in the county (or, borough, &c.) is a material Witness to be examined concerning the said charge: These therefore are to require you forthwith to summon the said B. P. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (or, borough, &c.) of as shall be present at in the county (or, borough, &c.) of on the day of at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand, this day of in the year of our Lord
(signed) I. F., Inspector (or, Sub-Inspector.)

FORM OF CONVICTION.

County of } BE it Remembered, That on the day of
(Liberty or Borough, } in the year One thousand eight hundred and A. B.
as the case may be.) } (*describe the offender*) is convicted before me, J. P., one of Her
Majesty's Justices of the Peace for the county (liberty or borough, *as the case may be*), of
in pursuance of an Act passed in the year of the reign of Queen
VICTORIA, intituled, (*here insert the title of this Act*), for that he (*describe the offence*.)

Given under my hand and seal the day and year above written.

J. P.

L. S.

Factories.

A

B I L L

For regulating the Employment of Children,
Young Persons and Women in Factories.

(Prepared and brought in by
Sir James Graham and Mr. Manners Sutton.)

*Ordered, by The House of Commons, to be Printed,
6 February 1844.*

7.

Under 8 oz.



A

B I L L

To amend the Laws relating to Labour in Factories.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**EREBY the Laws relating to Labour in Factories Preamble.
require to be amended ; **B**E **E** it **E**nacted, by The QUEEN's
most Excellent MAJESTY, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
5 Parliament assembled, and by the Authority of the same, **T**HAT
this Act shall take effect from and after the *First day of October in*
the year One thousand eight hundred and Forty-four, except any
provisions for the taking effect of which any other time shall be
hereinafter specially limited, all which last-mentioned provisions shall
10 take effect from and after such time as shall be hereinafter specially
mentioned in that behalf.

And be it Enacted, That after the *passing of this Act*, no Inspector
of Factories shall have power to act as a Magistrate, or to make rules,
regulations and orders as authorized by an Act, hereinafter called
15 “the Factory Act,” passed in the fourth year of the reign of his late
Majesty, and intituled, “An Act to regulate the Labour of Children
and young Persons in the Mills and Factories of the United Kingdom,”
except as hereinafter mentioned ; and that no Inspector or person
appointed to superintend the execution of the provisions of the Factory
20 Act and of this Act, under the direction of an Inspector, hereinafter
called a Sub-Inspector, shall be liable to serve upon any jury, or to
serve any parochial or municipal office, so long as he shall continue
to hold the office of Inspector or Sub-Inspector.

1.
Commence-
ment of Act.

2.
Restriction
on power of
Inspectors
and Sub-
Inspectors.

3 & 4W ill. 4,
c. 103.

3.
Power of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That every Inspector and Sub-Inspector shall have power to enter every part of any Factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a Factory, and to enter any school in which children employed in Factories are educated, and at all times to take with him into any Factory the certifying Surgeon of the district hereinafter mentioned, and any Constable or other Peace Officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a Factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a Factory, within *Two Months* next preceding the time when he shall require him to be examined, touching any matter within the provisions of this Act; and the Inspector or Sub-Inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have power to examine the registers, certificates, notices and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined; or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the admission of an Inspector or Sub-Inspector to any part of a Factory or school, or shall prevent an Inspector or Sub-Inspector from examining any register, certificate, notice or other document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the execution of the powers intrusted to him.

4.
Protection of
Inspectors
and Sub-
Inspectors.
24 Geo. 2,
c. 44.

And be it Enacted, That the provisions of an Act passed in the twenty-fourth year of the reign of King GEORGE the Second, intituled, "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants," as amended by any subsequent Act, so far as they relate to rendering Justices of the Peace more safe in the execution of their office, shall extend to protect the Inspectors and Sub-Inspectors in the exercise of their duties under this Act.

5.
Office of
Factory
Inspectors.

And be it Enacted, That a proper office, to be called "The Office of the Factory Inspectors," shall be provided in London or Westminster for the use of the Inspectors, and for the preservation of the Factory Records, and all documents relating to the several

several proceedings under this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from time to time such clerks and servants as may be deemed necessary to carry on the business of the said office, and may at pleasure remove them, or any of them;
 5 and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the clerks and servants in fit proportion, according to the duties they may have to perform.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the approval of such Principal Secretary, from time to time may make regulations for the management of the said office, and for regulating the duties of the several Inspectors and Sub-Inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to
 10 the provisions herein contained; and the regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, clerks and servants respectively.

6.
 Management of the office, and regulating duties of Inspectors.

And be it Enacted, That every person, on beginning to occupy a Factory, shall, within *One Month*, send, addressed "To the Office of
 20 the Factory Inspectors, London," a written notice, containing the name of the Factory, the place, township, parish and county where it is situated, the post-office to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the Factory is
 25 to be carried on.

7.
 Persons beginning to occupy a Factory to send notice to the Office of Factory Inspectors.

And be it Enacted, That after the *passing of this Act* any Inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying Surgeons, for the purpose of examining persons who shall be brought before them to obtain the surgical certificates of age required by this Act, and of giving the said certificates, and shall from time to time make regulations for their guidance, and shall in every such appointment specify the Factories or district for which each Surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every
 30 appointment of a certifying Surgeon, and every order annulling such appointment, may be revoked by the Secretary of State on appeal made to him for either purpose, and the Inspector of the district shall make known the name of the certifying Surgeons so from time to time appointed or discontinued to the occupiers of the Factories in that
 40 district, in such manner as to him shall seem fit; but no Surgeon being the occupier of a Factory, or having a beneficial interest in any Factory, shall be a certifying Surgeon.

8.
 Certifying Surgeons to be appointed by an Inspector.

9.
Form of
surgical
Certificate.

And be it Enacted, That the surgical certificates required by the Factory Act or by this Act shall be given according to the form and directions contained in the Schedule (A.) annexed to this Act, and the certificates given by any such certifying Surgeon shall be as valid as if countersigned by an Inspector, Justice of the Peace, or Burgh Magistrate; and the name of every person for whom a surgical certificate is required by the Factory Act or by this Act, and the date of the first day of employment or re-employment of such person, shall be registered in the form and according to the directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such person in a Factory. 5 10

10.
Certificates
not given
by certifying
Surgeon must
be by persons
duly autho-
rized, and
counter-
signed by a
Magistrate

And be it Enacted, That no such surgical certificate given by any person who is not an appointed certifying Surgeon shall be of any force unless it is given by a person duly authorized by an University or College, or other public body having authority in that behalf, to practise surgery or medicine, and countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace not having any beneficial interest in or being occupier of a Factory, and not being the father, son or brother of the occupier of a Factory; and no person shall countersign any such surgical certificate in the absence of the person named therein, or without proof that the person brought before him is the same to whom the certificate was granted. 15 20

11.
Surgical
Certificates
to be given
at the Fac-
tory.

And be it Enacted, That no person shall grant any surgical certificate required by the Factory Act or by this Act, except upon personal inspection of the person named therein; and no certifying Surgeon shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate elsewhere than at the Factory where such person is to be employed, unless for special cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse to grant a certificate of age for any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed. 25 30

12.
Agreement
between Mill
Occupier and
certifying
Surgeon.

And be it Enacted, That if the occupier of a Factory shall agree in writing with the certifying Surgeon of a district for the payment to be made by the occupier of the Factory to the certifying Surgeon for the examination of persons for whom surgical certificates are required by the Factory Act or by this Act; and if the terms of such agreement shall be in conformity with such regulations for the guidance of the Surgeons as shall be made by the Inspector of the district, and shall be countersigned by the Inspector in token of such conformity, all penalties which 35 40

which may be incurred by any party for breach of such agreement may be recovered, as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are directed to be applied, and no such agreement shall be liable to any stamp duty.

- 5 And be it Enacted, That an Inspector shall fix the amount of fees to be paid by the occupier of a Factory, and the times when such fees shall be paid to the certifying Surgeon, and also the times when such certifying Surgeon shall visit a Factory, provided he shall be required to fix such fees and visits by the occupier of a Factory; and the fees so
- 10 to be fixed by the Inspector shall not in any case exceed *One Shilling* for each person who shall be presented to him at the Factory by the mill-owner or his agent to be examined, together with *Sixpence* for every Half Mile that the distance of the Factory from the residence of such Surgeon shall exceed One Mile; and such fees, including
- 15 mileage, shall in no case exceed *Five Shillings* for any one visit, except when upon such visit the certifying Surgeon shall examine for the said certificates of age more than Ten persons who may be brought before him as aforesaid, in which case he shall receive *Sixpence* for each person that he may so examine, instead of all other fees; and in
- 20 any case where a Factory is situated within the distance of One Mile from the residence of a certifying Surgeon, the fee for such Factory shall not be less than *One Shilling*, and shall not exceed *Two Shillings and Sixpence* for each visit, except when at any one visit he shall examine for the said certificates of age more than Five persons who may
- 25 be brought before him as aforesaid, in which case he shall receive *Sixpence* for each person that he may so examine, instead of all other fees; and no certifying Surgeon shall receive more than *Sixpence* for any certificate which he may be allowed by an Inspector, as hereinbefore provided, to sign or issue otherwise than at the Factory where the
- 30 person is to be employed; and the occupier of any Factory shall pay such fees to the certifying Surgeon at the time of signing such certificates, or at any other time when he may be directed by the Inspector to do so; and the occupier of such Factory may deduct the fee, or any part thereof, not exceeding in any one case the sum of *Three-pence*, from
- 35 the wages of the person for whom the certificate may have been granted; but in any case where such agreement, as aforesaid, has been executed between an occupier of a Factory and the certifying Surgeon, the amount named in such agreement shall be instead of the fees fixed by any Inspector in virtue of this Act: Provided always, That no
- 40 certifying Surgeon shall be required to visit any Factory situated within *Three Miles* of his residence, oftener than Once in each week, or to visit any Factory situated at a greater distance than *Three Miles* oftener than Once in every fortnight, unless with the consent of the occupier of the Factory.

13.
Inspector
may fix
Surgeon's
Fees.

14.
Inspectors
and Sub-
Inspectors
may annul
Certificates.

And be it Enacted, That no person who shall be employed in a Factory at the time when this Act shall come into force, under a surgical certificate, granted under the Factory Act, shall be required to have a new surgical certificate, in the form and manner provided by this Act, so long as he shall continue in the same Factory, but every Inspector and Sub-Inspector may annul any surgical certificate granted under this Act, and any surgical certificate granted before the passing of this Act, by writing across the surgical certificate the word "Annulled," with his name, and the date of annulling such certificate; provided that in either case he shall have reason to believe the real age of the person mentioned therein to be less than that mentioned in the certificate, or provided the certifying Surgeon of the district shall, upon reference made to him, deem such person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and no certificate so annulled shall be valid in respect of the person named therein for the purposes of this Act, from the day when the certificate shall have been so annulled; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

15.
Certificates of
real age may
be obtained.

And be it Enacted, That in case any person shall be desirous of proving the real age of any person for whom a certifying Surgeon shall have refused to grant a certificate of age for the purposes of this Act, or whose surgical certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on demand, give to such person a requisition, under his hand, in a form to be approved of by the Inspectors and by the Registrar-General, for the production of a duly certified copy of the entry of the birth or baptism of such person; provided the party demanding the same shall declare the names of such person and of his parents, with the place where, and the year in which, he was born or baptized, which particulars shall be set forth in the requisition; and every party to whom such requisition shall have been given shall be entitled, upon payment of *One Shilling*, to receive, on personal application, or on application in writing, in such form and under such regulations as shall be approved of by the Inspectors and Registrar-General, from any minister, registrar, or other person having the care of any register of births or baptisms, in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar or other person having charge of such register; and such payment of *One Shilling* shall be instead of all other fees or payments to which such minister, registrar or other person shall be entitled; and if the said certified copy, proving the age of the person named therein to be such as to entitle him to have the

the surgical certificate required, shall be produced to the certifying Surgeon of the district, he shall examine the same; and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying Surgeon shall thereupon, without further
5 fee or reward, give a surgical certificate, in the form provided for that case in Schedule (A.) to this Act annexed, and shall write the word "Examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature and the date of such signature, and shall send such certified copy by the
10 post to the Sub-Inspector of the district, who shall send a receipt for the same by post to the said Surgeon, and shall keep such certified copy of the entry of the birth or baptism for future reference, if necessary; and if any Inspector of Factories shall require a certified copy of the entry of the birth of any person employed in
15 any Factory from the office of the Registrar-General, he or any person deputed by him shall, on producing a requisition in the form hereinbefore provided, be entitled to examine the indexes to the registers in the General Register Office, and to receive such certified copy endorsed on the requisition without the payment of any fee; but no certified
20 copy of the entry of any birth or baptism issued in consequence of any such requisition hereinbefore provided shall be admissible in evidence in any court, or for any purpose, save for the purposes of this Act: Provided always, That in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient health
25 or strength, or by reason of disease or bodily infirmity, the Inspector or Sub-Inspector shall not sign the requisition hereinbefore mentioned, and such person shall not be employed on proof of real age only.

And be it Enacted, That before employing any person requiring a surgical certificate under the Factory Act as amended by this Act, the
30 occupier of the Factory shall obtain the surgical certificate, save as hereinafter excepted, and shall keep and be bound to produce every such certificate, when required, to the Inspector or Sub-Inspector; and no surgical certificate shall be valid, except for employment at the Factory for which it was originally granted, or if granted by a certifying
35 Surgeon at any other Factory in the occupation of the same person who is occupier of the Factory for which the certificate was originally granted, provided such other Factory be in the district of the certifying Surgeon who granted the certificate, and the certificate be produced in the Factory where the person named in the certificate is at work; and the certifying Surgeon, as often as he
40 shall visit a Factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit, and the other particulars set forth in the Form, and according to the directions given in Schedule (B.) to this Act annexed.

16.
 Certificates
 to serve only
 for One Fac-
 tory.

17.
Surgical Cer-
tificates may
be dispensed
with for
Seven or
Thirteen
Days.

Provided always, and be it Enacted, That no occupier of any Factory shall be liable to any penalty for employing any person in any manner not contrary to the other provisions of the Factory Act as amended by this Act, without a surgical certificate, for any time not exceeding *Seven* working Days, or when the certifying Surgeon shall reside more than *Three* Miles from the Factory, for any time not exceeding *Thirteen* working Days, provided all surgical certificates for that Factory be granted only by the certifying Surgeon appointed for that Factory; but this enactment shall not be construed to dispense with the certificate of school-attendance, or to authorize the employment of any person in respect of whom the certifying Surgeon shall have refused to grant such surgical certificate. 5 10

18.
Factories to be
limewashed
yearly.

And be it Enacted, That after the *passing of this Act* it shall not be necessary to limewash the walls of any Mill, Factory or building, or to whitewash the ceilings of any rooms therein, otherwise than is hereinafter provided; and that all the inside walls, ceilings or tops of rooms, whether plastered or not, and all the passages and staircases of every Factory, which shall not have been painted with oil once at least within *Seven* Years, shall be limewashed Once at least within every successive period of *Fourteen* Months, to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap Once at least within every successive period of *Fourteen* Months, as aforesaid. 15 20 25

19.
Protection of
Workers in
wet-spinning
Flax Mills.

And be it Enacted, That after the expiration of *Six* Months from the date of this Act coming into operation no child or young person shall be employed in any part of a Factory in which the wet-spinning of flax, hemp, jute or tow is carried on, unless sufficient means shall be employed and continued to the satisfaction of the Inspector or Sub-Inspector of the District, for protecting the workers from being wetted, and where hot water is used, for preventing the escape of steam into the room occupied by the workers. 30

20.
Mill-gearing
not to be
cleaned while
in motion.

And be it Enacted, That no child or young person shall be allowed to clean any part of the wheels of the mill-gearing in a Factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine, while the latter is in motion by the action of the steam-engine, water-wheel or other mechanical power. 35 40

21.
Machinery to
be guarded.

And be it Enacted, That every fly-wheel directly connected with the steam-engine or water-wheel, or other mechanical power, whether in the

the engine-house or not, and every part of a steam-engine and water-wheel, and every hoist or teagle, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a Factory, shall be securely fenced; and every
 5 wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race; and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel or other mechanical power for any manufacturing process.

10 And be it Enacted, That if any accident shall occur in a Factory which shall cause any bodily injury to any person employed therein, which shall have been of such a nature as to prevent the person so injured from returning to his work in the Factory before *Nine* of the
 15 clock of the following morning, the occupier of the Factory, or in his absence, his principal agent, shall before *Twelve* of the clock of that day, send a notice thereof in writing, by a messenger, to the Surgeon appointed to grant certificates of age for the district in which the Factory is situated; and if the injured person shall have been, or is about to be, removed from the Factory, the place to which the person
 20 has been, or is about to be, removed, shall be stated in the notice to the Surgeon; and the Surgeon shall send a copy of such notice to the Sub-Inspector of the district by the first post after the receipt thereof.

22.
 Notice to be
 given of any
 accident.

And be it Enacted, That if a certifying Surgeon shall receive notice as
 25 aforesaid that an accident has occurred, which has caused bodily injury to any person employed in a Factory, for which he has been appointed to grant certificates of age, and that it has been of such a nature as to have prevented the person so injured from returning to his work in the Factory the following morning, he shall with the least possible delay
 30 proceed to the said Factory, and make a full investigation as to the nature and cause of such bodily injury, and shall within the next *Twenty-four* Hours send to the Inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the Inspector of
 35 the district shall send to the office of the Factory Inspectors as soon as conveniently may be; and the certifying Surgeon, for the purpose of such investigations only, shall have the same power, authority and protection as an Inspector, and shall also have power to enter any room in any building to which the injured person may
 40 have been removed; and for such investigation the said Surgeon shall receive a fee not exceeding *Ten Shillings*, or such part thereof, not being less than *Three Shillings*, as the Inspector of the district may consider a reasonable remuneration to the Surgeon for his trouble, which fee shall be paid as other expenses incurred under this Act.

23.
 Certifying
 Surgeon to
 examine into
 the cause and
 extent of
 accident, and
 report there-
 on.

24.
Prosecution
for Compen-
sation by an
Inspector.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such Inspector to have received any bodily injury from the machinery of any Factory, for the recovery of damages for and on behalf of such person.

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25.
Application of
Compensation
when reco-
vered.

And be it Enacted, That any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person in such manner as shall be approved of by the Secretary of State; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the Inspector, as he might have had against the plaintiff, and all charges and expenses incurred in bringing any such action, beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act are to be paid.

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26.
Precaution to
ensure regu-
larity in the
observance of
time.

And be it Enacted, That the hours of the work of children and young persons in every Factory shall be reckoned from the time when any child or young person shall first begin to work in the morning in such Factory, and shall be regulated by a public clock, or by some other clock open to the public view, to be approved of in either case in writing under the hand of the Inspector or Sub-Inspector of the district.

25

27.
Registers to
be kept in
every Fac-
tory.

And be it Enacted, That registers shall be kept in the Factory to which they relate, by the occupier of every Factory, according to the forms and directions given in Schedule (B.) to this Act annexed; and every Inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to the persons employed or the work done in the Factory which such Inspector may deem requisite to facilitate the performance of his duties or any inquiry made under the authority of the Factory Act or of this Act; but no information so sent by the occupier of any Factory which is not contained in the registers, certificates and other documents required by this Act to be received or kept, shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates and other documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same at any time when the Factory is at work.

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And

And be it Enacted, That it shall not be necessary to hang up in any Mill or Factory any copy of any abstract of the Factory Act, or of any regulations made in pursuance of the said Act, other than is hereinafter provided, and that such abstract of the Factory Act as amended by this Act as shall
 5 be directed by One of Her Majesty's Principal Secretaries of State, shall be fixed on a moveable board and be hung up, as soon as received, by the occupier of the Factory or his agent, in the entrance of the Factory ; and notices of the names and addresses of the Inspector, and Sub-Inspector of the district in which the Factory is situated, of the name and address
 10 of the Surgeon who grants certificates of age for the Factory, of the clock by which the hours of work in the Factory are regulated, of the times of beginning and ending daily work of all persons employed in the Factory, and any alteration thereof, of the times of the day and amount of time allowed for their several meals, of all time lost which is intended to
 15 be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters and fixed on moveable boards, (each particular notice being signed by the occupier of every Factory, or his agent,) shall be hung up in the entrance of the Factory, where they may be easily read by
 20 the persons employed in the Factory, and whence they shall not be removed while the Factory is at work ; and in case any such abstract of the Factory Act as amended by this Act or notice shall become illegible in any part, the occupier of the Factory shall cause a new copy thereof to be provided and hung up as aforesaid ; and the Inspector or Sub-In-
 25 spector of the district may order any such abstract or notice or copies thereof to be hung up in any conspicuous place within the Factory, whence the same shall not be removed while the Factory is at work ; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered ; and every
 30 notice required to be hung up shall be in the forms and according to the directions given in the Schedule (C.) hereunto annexed.

28.
 Abstract of
 this Act, and
 certain
 Notices, to be
 hung up in
 every Fac-
 tory.

And be it Enacted, That every child who shall have completed his *Eighth* Year, and shall have obtained the surgical certificate required by this Act, of having completed his *Eighth* Year, may be employed
 35 in a Factory in the same manner and under the same regulations as children who have completed their Ninth Year.

29.
 Children may
 be employed
 in Factories at
 Eight Years
 of age.

And be it Enacted, That no child shall be employed in any Factory more than *Six Hours and Thirty Minutes* in any one day, save as hereinafter excepted, unless the dinner time of the young persons in such
 40 Factory shall begin at *One* of the clock, in which case children beginning to work in the morning may work for *Seven Hours* in One day ; and no child who shall have been employed in a Factory before noon of any day shall be employed in the same or any other Factory, either for the purpose of recovering lost time or otherwise, after *One* of the clock in the afternoon of the same day.

30.
 Time of Chil-
 dren's work.

31.
How Chil-
dren may be
employed on
Three alter-
nate Days of
the Week.

And be it Enacted, That in any Factory in which the labour of young persons is restricted to *Ten* Hours in any one day, it shall be lawful to employ any child *Ten* Hours in any one day on *Three* alternate days of every week, provided that such child shall not be employed in any manner in the same or in any other Factory on two successive days, nor after *Half-past Four* of the clock in the afternoon of any Saturday: Provided always, That the parent or person having direct benefit from the wages of any child so employed, shall cause such child to attend some school for at least *Five Hours*, between the hours of *Eight* of the clock in the morning and *Six* of the clock in the afternoon of the same day, on each week-day preceding each day of employment in the Factory, unless such preceding day shall be a Saturday, when no school attendance of such child shall be required: Provided also, That on Monday in every week after that in which such child began to work in the Factory, or any other day appointed for that purpose by the Inspector of the district, the occupier of the Factory shall obtain a certificate from a Schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school as required by this Act; but it shall not be lawful to employ any child in a Factory more than *Seven* Hours in any one day, until the owner of the Factory shall have sent a notice in writing to the Inspector of the district of his intention to restrict the hours of labour of young persons in the Factory to *Ten* Hours a day, and to employ children *Ten* Hours a day; and if such occupier of a Factory shall at any time cease so to employ children *Ten* Hours a day, he shall not again employ any child in his Factory more than *Seven* Hours in any one day until he shall have sent a further notice to the Inspector in the manner hereinbefore provided.

32.
Women to be
employed as
young per-
sons.

And be it Enacted, That no female above the age of *Eighteen* Years shall be employed in any Factory save for the same time and in the same manner as young persons may be employed in Factories; and that any person who shall be convicted of employing a female above the age of *Eighteen* Years for any longer time or in any other manner, shall for every such offence be adjudged to pay the same penalty as is provided in the like case for employing a young person contrary to law: Provided always, That nothing herein or in the Factory Act contained as to certificates of age shall be taken to apply to females above the age of *Eighteen* Years.

33.
Provision for
recovering
lost time by
stoppage of
the Machi-
nery.

And be it Enacted, That no time lost by the stoppage of machinery shall be recovered save as is hereinafter provided; and that in any Factory in which any part of the machinery is moved by the power of water, the time which shall have been lost by stoppages from want of water, or from too much water, may be recovered in manner following, within *Six* Months next after the stoppage; and in order to recover time so lost, any child or young person may be employed *One Hour* in each

each day more than the time to which the ordinary daily labour of children and young persons respectively is restricted by law, except on Saturday; but it shall not be lawful so to recover any lost time until a notice shall have been sent by post to the Sub-Inspector of the district in which the Factory is situated, stating the intention so to recover time that has been lost, nor unless a notice, according to the form and directions given in the Schedule (C.) to this Act annexed, shall have been previously fixed up in the entrance of the Factory and in such other places as an Inspector or Sub-Inspector may direct; and such notice shall be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said Schedule (C.); nor shall lost time be so recovered on two successive days, unless the amount of time recovered on any one day shall be inserted before *Nine* of the clock in the morning of the following day in the last-mentioned notice.

And be it Enacted, That in any Factory in which any part of the machinery is moved by the power of water, when the stream is so diminished by drought, or swollen by flood during any part of the day, that the whole of the manufacturing machinery driven by the water-wheel has been stopped by reason of such drought or flood, the young persons employed at such machinery may recover such lost time during the night next following the said day, unless the said day be Saturday: Provided always, That no such young person shall be employed during any *Twenty-four* consecutive hours for a greater number of hours than that to which the ordinary daily labour of young persons in Factories is restricted by law; and that no young person so employed in the night shall work more than *Five* Hours, without an entire cessation from work of at least *Thirty* Minutes; but it shall not be lawful to recover any such lost time, unless a notice, according to the form and directions given in the Schedule (C.) to this Act annexed, shall have been previously fixed up in the entrance of the Factory, and in such other places as an Inspector or Sub-Inspector may direct, and unless such notice be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said Schedule (C.)

34.
Provision for
recovering
time lost by
partial stop-
pages.

And be it Enacted, That no child or young person shall be employed in a Factory, either to recover lost time or for any other purpose, on any Saturday, after *Half-past Four* of the clock in the afternoon.

35.
Work to cease
on Saturday
at Half-past
Four.

And be it Enacted, That the times allowed for meal-times as provided by the Factory Act, shall be taken between the hours of *Half-past Seven* in the morning and *Half-past Seven* in the evening of every day, and *One Hour* thereof at the least shall be given, either the whole at one time, or at different times, before *Three* of the clock in the afternoon; and no child or young person shall be employed

36.
Additional
Regulations
as to Meal-
times.

ployed more than *Five* Hours before *One* of the clock in the afternoon of any day without an interval for meal-time of at least *Thirty* Minutes ; and during any meal-time which shall form any part of the *Hour and a Half* allowed for meals, no child or young person shall be employed or allowed to remain in any room in which any manufacturing process is then carried on ; and all the young persons employed in a Factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed by an Inspector. 5

37.
Additional
Regulations
as to Holi-
days.

And be it Enacted, That each of the half-holidays required by the Factory Act to be given, shall comprize not less than *One-half* of the day, and during such time no young person shall be employed in the Factory ; and that at least *Four* of such half-holidays shall be given between the Fifteenth day of March and the First day of October in each year to every young person who shall be employed in the Factory during the whole of such period ; but no cessation from work shall be deemed a half-holiday unless notice of such half-holiday and of the time of such cessation from work shall have been fixed up on the preceding day in the entrance of the Factory and in any other place that the Inspector or Sub-Inspector may direct ; and that in addition to such *Eight Half Days*, no child or young person shall be allowed to work in any Factory on Christmas-day or Good Friday, in England or Ireland ; and in Scotland no child or young person shall be allowed to work on any day the whole of which is set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish in which the Factory is situated. 10 15 20 25

38.
Additional
Regulations
for the at-
tendance of
Children at
school.

And be it Enacted, That, save as herein otherwise provided, the parent or person having any direct benefit from the wages of any child employed in a Factory, shall cause such child to attend some school on the day after the first employment of such child, and thenceforth on each working day of every week during any part of which the said child shall continue in such employment ; so that on every such day, except in the cases hereinafter provided, such child shall attend school during at least *Three* Hours after the hour of *Eight* of the clock in the morning, and before the hour of *Six* of the clock in the evening : Provided always, That any child attending school after *One* of the clock in the afternoon shall not be required to remain in school more than *Two Hours and a Half* on any one day, between the First day of November and the last day of February, and no child shall be required to attend school on any Saturday, and the non-attendance of every such child shall be excused on every day on which such child shall be certified by the schoolmaster to have been prevented by sickness or other unavoidable cause from attending the school, and during any holiday or half-holiday authorized by this Act, or by consent in writing of the Inspector of the district in which the Factory is situated, 30 35 40

situated, or where the school-room is situated within the outer boundary of the Factory at which such child is employed, on every day on which the school shall be closed in consequence of the said Factory ceasing to be at work during the whole day.

- 5 And be it Enacted, That no Schoolmaster's tickets or vouchers shall be required or valid other than is hereinafter provided, and that the occupier of every Factory in which a child is employed shall, on Monday in every week after the first week in which such child began to work in the Factory, or on any other day appointed for that
 10 purpose by an Inspector, obtain a certificate from a Schoolmaster, according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school, as required by this Act, during the foregone week; and such occupier shall keep such certificate for *Six Months* after the date thereof, and shall produce the
 15 same to any Inspector or Sub-Inspector when required during such period, and shall, when required by the Inspector for the district, pay to the Schoolmaster of such child, or to such other person as the said Inspector may direct, toward the expenses of educating such child, such sum as the Inspector may require, not exceeding
 20 *Two-pence* per week, and shall be entitled to deduct from the wages payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of *One-twelfth* part of the weekly wages of such child.

39.
Occupier of
Factory to
obtain School
Certificate,

and to pay
School Fees.

- And be it Enacted, That so much of the Factory Act as limits the
 25 time for preferring complaints for offences against the said Act, and as requires any written notice to be given of the intention to prefer any complaint for such offence, and as fixes any penalty or punishment for offences against the said Act, and as relates to the procedure for convicting any person of any offence against the said Act,
 30 and for levying or inflicting the penalty or punishment imposed, and for appealing against any such conviction, and for the application of penalties, shall be repealed.

40.
Repeal of
part of 3 & 4
W. 4, c. 103.

- And be it Enacted, That the occupier of any Factory in which any offence against this Act has been proved to have been committed, and for
 35 which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon complaint or information duly made by such occu-
 40 pier, to have any agent, servant or workman, whom he shall charge as the actual offender, brought by summons before the Justice at the time appointed for hearing the complaint made against him by the Inspector or Sub-Inspector; and if after the commission of the offence has been proved, the occupier of the Factory shall prove, to the satisfaction of

41.
Occupier of
the Factory
to be liable
in the first
instance.

the Justice, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant or workman had committed the offence in question, without his knowledge, consent or connivance, the said agent, servant or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the Factory ; and the payment of such penalty and costs shall be enforced against the agent, servant or workman, in like manner as penalties are made recoverable by this Act: Provided always, That when it shall be made to appear to the satisfaction of the Inspector or Sub-Inspector, at the time of discovering the offence, that the occupier of the Factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance or knowledge of the occupier, and in contravention of his orders, then the Inspector or Sub-Inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the Factory.

42.
Notice of
complaints of
unguarded
Machinery.

And be it Enacted, That notice in writing of an intention to prefer a complaint before a Justice that any part of the aforesaid machinery, hoist or teagle, or wheel-race has not been securely fenced, shall be given *Four Days* at least previous to the day fixed for hearing the complaint ; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to the Inspector, or Sub-Inspector, who shall be the complainant, *Forty-eight Hours* previous to the day fixed for hearing the case.

43.
Inspector or
Sub-Inspector
to give notice
of dangerous
Machinery.

And be it Enacted, That if an Inspector or Sub-Inspector shall observe in a Factory any part of the machinery of any kind or description, or any driving strap or band not securely fenced, which he shall deem likely to cause bodily injury to any person employed in such Factory, he shall give notice in writing to the occupier of such Factory, or his agent, of such part of the machinery, or such strap or band as he shall deem to be dangerous, according to the form and directions given in Schedule (D.) to this Act annexed ; and the occupier of the Factory, or his agent, shall sign a duplicate copy of such notice in acknowledgment of his having received it: Provided always, That upon an application in writing made by the occupier of the Factory, within *Fourteen Days* after he shall have received such notice, *Two* arbitrators skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the occupier of the Factory in the aforesaid application, and the other by the Inspector of the district, with the least possible delay after he shall have received such application ; and the said arbitrators shall proceed to examine the machinery alleged

alleged to be dangerous within *Fourteen* Days of the appointment of the arbitrator named by the Inspector; and if the arbitrators so appointed shall not agree in opinion, the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery; and if the said arbitrators, or any *Two* of them, shall sign an opinion in writing addressed to the Inspector of the district that it is unnecessary or impossible to fence the machinery, or strap or band alleged in the notice to be dangerous, the Inspector of the district on receipt of the same shall cancel the said notice; and if the decision of the arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous, the expense of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expenses of the reference shall be paid by the occupier of the Factory, and shall be recoverable as the penalties under this Act are recoverable.

And be it Enacted, That all complaints for offences against this Act shall be preferred within *Two* Months next after the commission of the offence, except in the case of complaints for offences punishable at the discretion of a Justice, by fine or imprisonment, or for working on Christmas-day, Good Friday or the Sacramental Fast-days, or for not giving all or any of the *Eight* half-days for holidays required to be given, in each of which cases the complaints may be preferred within *Three* Months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing *Two* or more children or young persons, contrary to law.

44.
Complaints to
be preferred
within *Two*
Months.

And be it Enacted, That all proceedings for the enforcement of any penalty under this Act may be had before any Justice of the Peace acting for the county or other jurisdiction wherein the offence was committed, or before any Justice of any adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than *Five* Miles from the place where the offence was committed; and the Justice by whom any person shall be fined for any offence against this Act may order that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately or within such time as the said Justice shall think fit; and in default of payment thereof, the Justice may cause the same to be levied by distress and sale of the goods and chattels of the

45.
Proceedings
under this
Act may be
had before
any Justice.
Penalties may
be recovered
as in 5 G. 4,
c. 18.

Power of dis-
training goods
in Factory
where Occu-
pier is con-
victed.

party convicted, together with the reasonable costs and charges of such distress and sale, by warrant under the hand and seal of any such Justice ; and where the warrant of distress is directed against the goods and chattels of any person being the occupier of a Factory, it shall be law-
ful under such warrant to distrain any goods and chattels found in the
said Factory which would be liable to be distrained for rent in arrear. 5

46.
Issue of
Summons for
Offences
against Act.

And be it Enacted, That in England and Ireland, a summons for an offence against this Act shall be issued by any Justice, upon complaint being made to him in writing by an Inspector or Sub-Inspector, or upon oath before him by any other person, that
to the best of the knowledge and belief of the Inspector, Sub-In-
spector or such other person, such an offence has been committed ;
and in Scotland, a summons for an offence against this Act shall be
issued by any Justice, upon complaint being made to him in writing
by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by
any person having a title and interest to prosecute with the concur-
rence of the Procurator Fiscal, that to the best of the knowledge and
belief of such Inspector, Sub-Inspector, Procurator Fiscal or other
person such an offence has been committed ; and in every such prose-
cution in Scotland the proceedings shall be summary, and it shall not
be necessary to take down in writing more than the substance of the
evidence ; and no higher or other fees shall be allowed in Scotland to
the Clerk of Court or Constables, than are allowed to be paid to the
Sheriff Clerk and Sheriff Officers in causes and prosecutions under the
authority of an Act passed in the tenth year of the reign of King
GEORGE the Fourth, intituled, " An Act for the more effectual Recovery
of Small Debts, and for diminishing the Expenses of Litigation in
Causes of Small Amount in the Sheriff Courts in Scotland." 10 15 20 25

10 Geo. 4,
c. 55.

47.
Compelling
Parties to
appear and
bring Re-
gister.

And be it Enacted, That every person who shall be summoned to answer any complaint shall be bound to appear at the time and place
mentioned in the summons, and to produce before the Justice every
register, or other account, paper or notice, required by law to be
kept by him or his agent, which shall be mentioned in the summons ;
and if he shall not appear accordingly, then (upon proof of due service
of the summons) the Justice may either hear and determine the case in
his absence, or issue his warrant, as hereinafter provided, for enforcing
his attendance and the attendance of any witness who shall refuse or
neglect to appear. 30 35

48.
Inspectors and
Sub-Inspec-
tors competent
Witnesses.

And be it Declared and Enacted, That it shall be no objection to the competency of any Inspector or Sub-Inspector to give evidence as
a witness in any prosecution under this Act that it is brought at the
instance of such Inspector or Sub-Inspector. 40

And

49.
Justices
may enforce
attendance of
Witnesses.

And be it Enacted, That any Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence before him at a time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any
5 person to be brought before him who shall neglect or refuse to appear at the time and place appointed in any summons, proof, upon oath, being first given of personal service of the summons upon the person against whom such warrant shall be granted, and may commit any person coming or brought before him, who shall refuse to give evidence, to
10 the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding *One Month*, or until such person shall sooner submit himself to be examined; and in case of such submission, the order of any Justice shall be a sufficient warrant to any gaoler or prison-keeper for the discharge of such person.

50.
Inspectors
and Sub-
Inspectors
may summon
Offenders and
Witnesses.

And be it Enacted, That every Inspector and Sub-Inspector shall be empowered to summon before a Justice of the Peace any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge; and every such summons shall be of the same effect as if issued by a
20 Justice of the Peace, after complaint upon oath before him, and shall be enforced in like manner, and the like proceedings may be had thereupon as if complaint upon oath had been made before such Justice for such offence; and every constable and other peace-officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable
25 to be punished as if the summons had been issued by a Justice of the Peace; and every such summons of an offender or witness may be in the form provided in each case and given in the Schedule (D.) hereunto annexed; and when an Inspector or Sub-Inspector shall summon an
30 offender, he shall give to the same constable or peace-officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the Clerk of any such Justice, at least *Twenty-four* Hours before the period named in the summons for the appearance
35 of the party charged with such offence.

51.
In case of
Partnership,
One name
sufficient for
Summons.

And be it Enacted, That it shall be sufficient in any information, complaint or other proceeding under this Act, to set forth the name of the ostensible occupier, or title of the firm by which the occupier employing the work-people of the Factory may be usually known; and the
40 service of any summons, order or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling-house of the person to whom the same shall be addressed, or, in the case of

summoning, or giving an order or notice to the occupier of a Factory, or to a Schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post, directed to the occupier of the Factory at the Factory, or to the Schoolmaster at his school.

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52.
Evidence of
Employment.

And be it Enacted, That in any complaint of the employment of any person in a Factory otherwise than is allowed by this Act, the time of beginning work in the morning, which shall be stated in any notice fixed up in the Factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the Factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same continued fixed up in the Factory; and if any person shall be allowed to enter, or be in any Factory, except at meal-times, or during the stoppage of the whole machinery of the Factory, or for the sole purpose of bringing tea or other articles of food to the workers in a Factory, between the hours of *Four* and *Five* of the clock in the afternoon, it shall be evidence, unless the contrary shall be proved, that such person was then employed in that Factory; but yards, play-grounds and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the Factory, in which no machinery is used, or manufacturing process carried on, shall not be taken to be any part of the Factory, with reference to this enactment.

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53.
Surgical
Certificates
to be proof of
Age.

And be it Enacted, That every surgical certificate given under this Act, or which has been granted conformably to the Factory Act, and which shall not have been annulled, shall be evidence, in the first instance, of the age of the person named therein, but shall not protect any person, knowing such person to be of less than the age certified, from any penalty for employing, or conniving at the employment, of such person, otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing any person contrary to this Act, a declaration in writing by the certifying Surgeon of the district, that he has personally examined such person, and believes him to be under such age as shall be set forth in such declaration, shall be evidence, in the first instance, until the contrary shall be made to appear, that such person is under the age mentioned in such declaration.

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54.
Proof of age
of Persons
alleged to be
Sixteen.

And be it Enacted, That if any Inspector or Sub-Inspector shall make a complaint before a Justice of the Peace that the real age of any person who is employed in a Factory without a surgical certificate is less than *Sixteen*, the occupier of the Factory in which such person is employed shall be liable to the penalties for employing persons for

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for

for whom a surgical certificate is required by law, without the proper surgical certificate, unless, upon the proceeding for the enforcement of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his *Sixteenth*
 5 Year of age.

And be it Enacted, That if an Inspector or Sub-Inspector shall make a complaint before a Justice of the Peace that the real age of any person employed in a Factory in a manner contrary to law is less than *Eighteen*, the occupier of the Factory in which such person is
 10 employed shall, save in the cases hereinafter excepted, be liable to the penalty for employing such person, unless, upon the proceeding for the enforcement of such penalties, he shall prove that the said person had completed his *Eighteenth* Year.

55.
 Proof of Age
 of Persons
 alleged to be
 Eighteen.

And be it Enacted, That any person who shall be convicted of
 15 having employed any person in any manner contrary to the provisions of the Factory Act as amended by this Act, or for employing a child without having obtained a certificate from a schoolmaster where such certificate is required by law, such person not being the parent nor having any direct benefit from the wages of such child,
 20 shall for every such offence be adjudged to pay a penalty of not less than *Twenty Shillings*, and not more than *Three Pounds*, for each child or young person so illegally employed: Provided always, That if it shall be proved that such offence was committed during the night, the penalty shall not be less than *Forty Shillings*, nor more than
 25 *Five Pounds*.

56.
 Penalties for
 employing
 Children and
 young Persons
 longer than
 allowed by
 the Act.

And be it Enacted, That the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by the Factory Act as amended by this Act, or who shall neglect to cause such child to attend school
 30 as hereinbefore provided, shall be liable to a penalty of not less than *Five Shillings*, and not more than *Twenty Shillings*, for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such offence has been committed without the consent, connivance or wilful default of such parent or person so benefited.

57.
 Penalty on
 Parents for
 allowing
 Children to be
 employed
 contrary to
 this Act.

And be it Enacted, That the penalty for not lime-washing the walls, passages, staircases, and ceilings or tops of rooms, of a Factory within the period prescribed by this Act, or for not washing, as hereinbefore provided, the inside walls, and ceilings or tops of rooms, which are painted with oil, shall not be less than *Three* nor more than *Ten*
 40 *Pounds*, and not less than *Two Pounds* additional penalty for every month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms, to remain without being lime-washed or washed as aforesaid, after being convicted of this offence.

58.
 Penalty for
 not lime-
 washing the
 Factory.

59.

Penalty for
not fencing
Machinery.

And be it Enacted, That the penalty for not fencing the several parts of the machinery, hoist or teagle and wheelrace required by this Act to be fenced, shall be not less than *Five Pounds* and not more than *Twenty Pounds*.

60.

Penalty for
not fencing
dangerous
Machinery,
after Notice.

And be it Enacted, That if any person shall suffer any bodily injury, in consequence of the occupier of a Factory having neglected to fence any part of the machinery, or any hoist or teagle, or any wheelrace required by this Act to be securely fenced, or having neglected to fence any part of the machinery, or any driving strap or band in the Factory, of which he shall have received notice in writing from an Inspector or Sub-Inspector as hereinbefore provided, that the same was deemed to be dangerous, the occupier of such Factory shall pay a penalty not less than *Ten Pounds*, and not more than *One hundred Pounds*; and the whole or any part of such penalty may be applied for the benefit of the injured person; or, otherwise, as the Secretary of State shall determine; and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, That the occupier of the Factory shall not be liable to any such penalty, if the notice which he shall have received from an Inspector or Sub-Inspector shall have been cancelled as hereinbefore provided, or that in any proceeding against an occupier of a Factory for not securely fencing that part of the machinery, hoist, teagle or wheelrace by which such bodily injury was inflicted, the complaint shall have been heard and dismissed previous to the time when such bodily injury was inflicted.

61.

Penalty for
obstructing
Inspectors
or Sub-Ins-
pectors.

And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-Inspector, in the execution of any of the powers intrusted to him by the Factory Act as amended by this Act, shall be liable, for each offence, to a penalty not less than *Three Pounds* and not more than *Ten Pounds*.

62.

Penalty for
obstructing
Inspectors or
Sub-Inspec-
tors in the
night.

And be it Enacted, That every occupier of a Factory in which an Inspector or Sub-Inspector shall be obstructed in the night by any attempt to prevent his making a full and complete examination of all parts of the Factory, and of every person employed therein, shall be liable to a penalty of not less than *Twenty Pounds* and not more than *Fifty Pounds*.

63.

Offences
which shall be
punishable
by Fine or Im-
prisonment.

And be it Enacted, That every person convicted before any Justice of the Peace of making, giving, signing, countersigning, counterfeiting or making use of any certificate authorized or required by the Factory Act or by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited certificate, or any false entry in any register, or any other account, paper or notice required by this Act, and also every person convicted of wilfully giving

giving false evidence, or making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty, not less than *Five Pounds* and not more than *Twenty Pounds*, or to be imprisoned for any time, not more than *Six Months*, in the house of correction
 5 in the county, town or place where the offence was committed.

And be it Enacted, That the penalty for any offence against the Factory Act as amended by this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than *Two Pounds* and not more than *Five Pounds*.

64.
 Penalty for
 Offences not
 otherwise
 specified.

10 And be it Enacted, That every person who shall be convicted
 Twice within *Twelve Months* for an offence of the same kind against
 the Factory Act as amended by this Act, shall pay for his second
 offence any sum not less than *One-half* of the highest penalty for
 that offence; and if convicted *Three* times within *Twelve Months*
 15 for an offence of the same kind, he shall pay not less than *Two-*
thirds of the highest penalty; and if convicted more than *Three*
 times for an offence of the same kind, he shall pay the highest
 penalty; but a repetition of the same kind of offence shall not be
 considered as the second or subsequent offences referred to in
 20 this enactment, unless such second or subsequent offences shall have
 been committed after a complaint has been made for the pre-
 vious offences; and in any case in which a person shall be convicted
 at any one time for offences against the Factory Act as amended
 by this Act, so that the penalties amount in the whole to more
 25 than *One hundred Pounds*, the sum of *One hundred Pounds*, together
 with all the reasonable costs and charges of such proceedings and
 convictions, may be paid instead of the penalties for all the offences
 committed by him before the day on which the last summons was taken
 out against him.

65.
 Penalty in
 case of second
 and subse-
 quent Con-
 victions.

30 And be it Enacted, That all penalties for any offence against the
 Factory Act, which shall not have been otherwise appropriated at the
 time when this Act shall come into force, and every penalty imposed
 under this Act, shall be applied under the direction of One of Her
 Majesty's Principal Secretaries of State, and shall be paid on account
 35 of the Inspector for the district in which the penalty was imposed, to
 such banker as shall be appointed by such Inspector to receive the
 same; and every person to whom any such penalty shall be paid shall
 pay over the amount thereof to the banker so appointed within *Four-*
teen Days of receiving the same; and it shall be lawful for the Secre-
 40 tary of State to remit the whole or any part of such penalty; and so
 much thereof as shall not be so remitted, and not otherwise especially
 appropriated by this Act, shall be applied by such Inspector, under
 the direction of One of Her Majesty's Principal Secretaries of State,

66.
 Application
 of penalties.

5 & 6 Wm. 4,
c. 76.

in such manner as shall appear best for the establishment or support of day schools for the education of children employed in Factories ; and so much of an Act passed in the sixth year of the reign of his late Majesty, intituled, “ An Act to provide for the Regulation of Corporations in England and Wales,” as provides that certain penalties and forfeitures, if recovered before any Justice of any borough, having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the Treasurer of such borough, shall be repealed as to the penalties imposed under this Act.

67.

How former
Conviction
may be
proved.

And be it Enacted, That any Justice before whom any person shall be convicted of any offence against the Factory Act as amended by this Act, or any person acting as Clerk to the Justices where such conviction shall have taken place, or the Clerk of the Peace where such conviction shall have been filed, shall, upon the request in writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy ; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act, within *Twenty-four* Months after the date of such conviction ; and for every such copy the Clerk shall be entitled to have a fee of *One Shilling*, and no more.

68.

Convictions
to be filed
amongst
Records of
County.

And be it Enacted, That every conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the Clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewartry, town or place.

69.

No Appeal
from Convic-
tions.

And be it Enacted, That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at the discretion of the Justice by fine or imprisonment, neither shall any conviction, except as aforesaid, be removable by certiorari or bill of advocation, into any Court whatever ; and no information, conviction or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time and place intended shall have been so stated as to have been, in the opinion of the Justice, clearly understood by the person charged with such offence ; and it shall not be necessary,

in

in any information, conviction or other proceeding under this Act, to define the processes carried on in such Factory, or nature of the power by which the machinery of such Factory is moved, or to set out that the Factory or process or employment referred to is not within any of the cases excepted, provided that it be therein stated that such Factory is a Factory within this Act; and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception.

And be it Enacted, That in all cases in which a Justice of the Peace is required or empowered to do any thing under the Factory Act as amended by this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and shall exercise the same in Scotland; but no complaint preferred for any offence against this Act committed in a Factory, shall be heard by a Justice of the Peace or Burgh Magistrate, having a beneficial interest in or being an occupier of the Factory, or being the father, son or brother of the occupier of the Factory, in which the offence set forth in the complaint shall have been committed.

70.
Who are to
exercise the
Powers of
Justicos.

Provided always, and be it Enacted, That any child above *Eleven* Years of age employed solely in the winding and throwing of Raw Silk, may work without any proof of having attended a school, for any time not exceeding *Ten* Hours on any working day, but not after *Half-past Four* of the clock of the afternoon of any Saturday.

71.
Exemptions
of Silk Mills.

And be it Enacted, That the Factory Act as amended by this Act, and this Act, shall be construed together as one Act, and that in this Act, unless another sense shall be plainly shown by the context, or by some positive enactment to the contrary, the word "Child" shall be taken to mean a child under the age of thirteen years; and the words "Young Person" shall be taken to mean a person of the age of thirteen years, and under the age of eighteen years; and the word "Parent" shall be taken to mean parent, guardian, or person having the legal custody of any such child or young person; and any person who shall work in any Factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed to be employed therein within the meaning of this Act; and the words "Inspector" and "Sub-inspector" shall be taken to mean respectively an inspector and a sub-inspector of factories; and the word "Agent" shall be taken to mean any person, having on behalf of the occupier of any Factory the care or direction thereof, or of any part

72.
Interpreta-
tion Clause.

"Child."
"Young Per-
son."

"Parent."

Employment.

"Inspector."

"Agent."

" Month." thereof, or of any person employed therein; and the word " Month"
 " Mill-gear- shall be taken to mean a calendar month; and the words "Mill-
 ing." gearing " shall be taken to comprehend every shaft, whether upright,
 oblique or horizontal, and every wheel, drum or pulley by which the
 motion of the first moving power is communicated to any machine 5
 " Factory." appertaining to the manufacturing processes; and the word " Factory,"
 notwithstanding any provision or exemption in the Factory Act,
 shall be taken to mean all buildings and premises situated within any
 part of the United Kingdom of Great Britain and Ireland, wherein
 or within the close or curtilage of which, steam, water, or any 10
 other mechanical power, shall be used to move or work any ma-
 chinery employed in preparing, manufacturing or finishing, or in any
 process incident to the manufacture of cotton, wool, hair, silk, flax,
 hemp, jute, or tow, either separately or mixed together, or mixed with
 any other material, or any fabric made thereof; and any room situated 15
 within the outward gate or boundary of any Factory, wherein children
 or young persons are employed in any process incident to the manu-
 facture carried on in the Factory, shall be taken to be a part of the
 Factory, although it may not contain any machinery; and any part
 of such Factory may be taken to be a Factory within the meaning 20
 of this Act; but this enactment shall not extend to any part of
 such Factory used solely for the purposes of a dwelling-house,
 nor to any part used solely for the manufacture of goods made
 entirely of any other material than those herein enumerated, nor to
 any Factory or part of a Factory used solely for the manufacture 25
 of lace, of hats, or of paper, or solely for bleaching, dyeing,
 printing or calendering; and the enactments of this Act respecting the
 hours of labour shall not apply to any young person when employed
 solely in packing goods in any warehouse or part of a Factory not
 used for any manufacturing process, or for any labour incident to 30
 any manufacturing process; and nothing in this Act contained shall
 extend to any young person, being a mechanic, artisan or labourer,
 working only in making and repairing the machinery, or any part of
 the Factory.

73.
 Act may be
 repealed or
 amended.

And be it Enacted, That this Act may be amended or repealed by
 any Act to be passed in this Session of Parliament.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)—CERTIFICATES.

*(To be written or printed on white Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a CHILD to be employed in the Factory of
situated at _____ in _____

_____ of _____ duly appointed a certifying Surgeon,
do hereby certify, That _____ son [or, daughter] of _____ and _____
residing in _____ has been personally examined by me
this _____ day of _____ One thousand eight hundred and _____
and that the said child has the ordinary strength and appearance of a child of at least
Eight years of age, and that I believe the real age of the said child to be at least EIGHT
years; and that the said child is not incapacitated, by disease or bodily infirmity, from
working daily in the above-named Factory for the time allowed by this Act.

No. _____

(signed) _____

Certifying Surgeon.

The Form of Surgical Certificate to be given to a child who has obtained a Certificate
of real age, shall be the same as above, omitting the words, “ and that the said child has
the ordinary strength and appearance of a child of at least Eight years of age, and that
I believe the real age of the said child to be at least Eight years,” and substituting these
words in their place—“ and that a Certificate of the birth [or, baptism] of the said child
has been produced to me in the Form required by this Act, proving that the real age of
such child is at least Eight years.”

The Form of Surgical Certificate to be given to Children employed in Silk Mills in
proof that a child is Eleven Years of age, shall be the same as the above, substituting the
word “ Eleven ” for the word “ Eight.”

*(To be written or printed on coloured Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of
situated at _____ in _____

I, _____ of _____ duly appointed a certifying Surgeon,
do hereby certify, That _____ son [or, daughter] of _____ and _____
residing in _____ has been personally examined
by me, this _____ day of _____ One
thousand eight hundred and _____ and that the said young person has the ordinary
strength and appearance of a young person of at least Thirteen years of age, and that I
believe the real age of the said young person to be at least THIRTEEN years; and that the
said young person is not incapacitated, by disease or bodily infirmity, from working daily
in the above-named Factory for the time allowed by this Act.

No. _____

(signed) _____

Certifying Surgeon.

The Form of Surgical Certificate to be given to a young person who has obtained a Certi-
ficate of real age, shall be the same as above, omitting the words, “ and that the said young
person has the ordinary strength and appearance of a young person of at least Thirteen
years of age, and that I believe the real age of the said young person to be at least
Thirteen years,” and substituting these words in their place—“ and that a Certificate of
the birth [or, baptism] of the said young person has been produced to me in the Form re-
quired by this Act, proving that the real age of such young person is at least Thirteen years.”

The Form of Surgical Certificate to be given in either case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the words "duly appointed a certifying Surgeon," and substituting the words "duly authorized by the University [*or, College, or other public body having authority in that behalf*] of _____ to practise Surgery [*or, Medicine*]," and making the following addition, which must be signed by a Justice of the Peace or Burgh Magistrate:—

The child [*or, young person*] named in the above-written certificate has been this day brought before me, and the appearance of the said child [*or, young person*] agrees with the description therein given; and I believe the real age of the said child [*or, young person*] to be at least [*here insert the word "Eight" or "Eleven" in the case of a child, or "Thirteen" in the case of a young person*], years; and I declare, that I have no beneficial interest in and am not the Occupier of any Factory, and that I am not the Father, Son or Brother of the Occupier of any Factory.

Dated this _____ day of _____ One thousand eight hundred _____
(signed) C. D., Justice,
[*or, Burgh Magistrate.*]

In every Surgical Certificate of Age, the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any Certificates, authorized by this Act to be received as proof of the age of any persons, shall be obtained by the occupier of a Factory or his agent, they shall be fixed in a book, to be called "THE AGE CERTIFICATE BOOK," in the order of the dates at which they shall have been respectively received; and such Certificates shall be numbered in the order in which they are so fixed in the book; but the Certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book; and shall be marked with a series of running numbers distinct from that of the Certificates for young persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the number hereinbefore required to be set against each Certificate shall be set against the name of the child or young person for whom such Certificate has been granted, in the first column of the Register of the persons employed, required by this Act, to be kept in each Factory.

If a Surgeon shall have refused to grant a Certificate of Age to any child or young person, the word "Refused" shall be written in the column of the Register where the numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon,
do hereby declare, that _____ son [*or, daughter*] of
residing in _____ has been personally examined by me, this
day of _____ One thousand eight hundred and _____ and that in my
opinion the said [*child, or, young person*] has NOT the ordinary strength and appearance
[of a child of at least Eight years of age (*or, of a young person of at least Thirteen years of age*) or (*or, and*) is incapacitated by disease and bodily infirmity from working daily in
a Factory, for the time allowed by this Act.]
(signed) _____ Certifying Surgeon.

N. B.—The words within Brackets shall be in the hand-writing of the certifying Surgeon, who shall insert the reason of his refusal, to be either on account of deficient age, or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I hereby certify, That the undermentioned child [or, children] employed in the Factory of _____ situated in _____ has [or, have] attended the School kept by me at _____ for the number of hours, and at the time on each day specified in the columns opposite to his [her, or their] name [or, names] during the week ending on Saturday the _____ day of _____ One thousand eight hundred and _____, and that the causes of absence stated are true to the best of my belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(signed)

Schoolmaster, [or, Schoolmistress.]
the _____ day of _____ 18 .

Under the column headed "Time," the periods of the day that each child attends school shall be stated; as thus, from 9 to 12, or from 2 to 5, or any other time, as the case may be,—and all the children employed in the same Factory who attend school *before* One of the clock in the afternoon shall be entered together, distinct from those who attend school *after* One of the clock.

The time when each child attends school shall be stated in the column for each day, in the hand-writing of the schoolmaster, and no certificate shall be valid unless the Schoolmaster shall in his own handwriting subscribe to it his christian and surname in full.

In the case of any child who has been absent from school, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed "Causes of Absence," so far as the same can be ascertained; and when any day has been a holiday at the school, the word "*Holiday*" shall be entered in the column of the day.

All School Certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "THE SCHOOL CERTIFICATE BOOK," in the order of their respective dates. Copies of the above Forms may be bound together in a book for each Factory.

SCHEDULE (B.)—REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

LIST of Young Persons employed in this Factory.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed, insert opposite the Name the word "Left;" and when any Person completes his Eighteenth Year of Age, the word "Eighteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of every young person employed in the Factory, to be entered successively when engaged to work, whether for the first time, or after having left, when re-engaged to work.

At the beginning of this Register shall be inserted—

1. The name of the Occupier or Firm.
2. The name of the Factory, the place, township, parish and county where it is situated, and the post-office to which the Occupier desires his letters to be directed.
3. The nature of the work carried on.
4. The nature of the moving power, the whole amount of horse-power of the steam-engine or water-wheel, and also the amount of horse-power employed by the occupier or firm.

5. The clock by which the employment of the workers in the Factory is regulated.

Every alteration in any of the above particulars shall be inserted immediately after the alteration shall have been made.

6. The holidays and half-holidays which shall have been given in conformity with this Act shall be recorded together in a distinct place in this Register.

7. The dates when the whole of the Factory, if done at one time, and the several parts if done at different times, shall have been limewashed or painted in oil, and, when painted in oil, the dates of their having been washed as required by this Act, and the names and residences of the persons by whom the Factory was limewashed or painted in oil, shall be recorded in a distinct place in this Register within Six days after they have been so limewashed, painted or washed; and this declaration of the times of limewashing, painting, and washing, shall be signed by the mill-occupier or his principal agent.

8. The Visits of the Certifying Surgeon to the Factory shall be recorded in this Register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	•	†	

* If the Surgeon shall be told that there is no child or young person in the Factory to be examined at the time of his visit, he shall insert in this column the word "None."

† If none be granted, he shall insert the word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under 13 Years of Age are employed.

NAMES of the Children employed in this Factory before Twelve o'Clock at Noon, or
THE MORNING SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Afternoon Set, the word "Changed;" or the words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

NAMES

NAMES of the Children employed in this Factory after One o'Clock in the Afternoon, or
THE AFTERNOON SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Morning Set, the word "Changed;" or the words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of every child under 13 years of age employed in the Factory, to be entered successively when engaged to work, whether for the first time, or, after having left, when re-engaged to work.

If any child be removed from the Morning Set to the Afternoon Set, or *vice versa*, the name of such child must be entered as a new comer in the Register for the Set to which it is removed, and the number of its Certificate of Age must be placed against its name, but no new Certificate shall be required for such child.

If the Mill Occupier desires to change the time of working of the two entire sets of children at stated periods, (as for instance) to make a change every month, so that the children who worked in the Morning one month shall work in the Afternoon the next month, and *vice versa* for the other children, alternately throughout the year, it will not be necessary to enter the names of the children anew; but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration; in addition to the other details hereinbefore required:—

1. The Children entered in this Register, as belonging to the MORNING SET, work in this Factory before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

2. The Children entered in this Register, as belonging to the AFTERNOON SET, work in this Factory after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

Signature of

Occupier or Agent.

When a change in the time of working of the two entire sets of children is made at other stated periods allowed by this Act, the necessary alterations may be made in the above declaration, to the satisfaction of the Inspector or Sub-Inspector of the district.

In all mills where more than 20 children or young persons are employed, an ALPHABETICAL INDEX shall be kept according to the first letter of the surname, of the names of all the children and young persons employed in the Factory, adding to each name the number of the last certificate under which the age of the child or young person is employed, or, if more than 16 years of age, the letters XVI.

All the Forms contained in this Schedule (B.) which shall apply to any particular Factory, may be bound together in one book, except the alphabetical Index of Reference, hereinbefore referred to.

SCHEDULE (C.)—NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the certifying Surgeon, the Clock for Regulating the Factory, and the Hours of Work of all Young Persons and Females employed in the Factory.

Name and Address of the In-} _____
 spector of the District - }

Name and Address of the Sub-} _____
 Inspector of the District - }

Name and Address of the Sur-} _____
 geon who grants Certificates }
 of Age for the Factory - }

Clock by which the Hours of } _____
 Work are regulated - }

The Hours of Work of all Young Persons and Females above Eighteen Years of Age employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hours.
	From	To	From	To	From	To	From	To	
•									

* In this space the Days of the Week to which the hours of work refer shall be entered.

 { Signature of the Occupier of
 the Factory or his Agent.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The TIMES allowed for MEALS in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
	From	To	From	To	From	To
•						

* In this space the Days to which the meal hours refer shall be entered.

 { Signature of the Occupier of
 the Factory or his Agent.

These notices of the regular Hours of Work fixed up in a Factory, are not required to be altered when young persons are only employed at other hours for the recovery of lost time as authorized by this Act, provided the notice required to be fixed up when recovering lost time, be fixed up, and provided on such notice it is stated at what time of the day it is intended to recover the time so lost.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any part of the Time which has been lost by the Stoppage of the whole Machinery in the Factory, as allowed by this Act.

ACCOUNT OF TIME LOST AND RECOVERED.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

Signature of the Occupier of the Factory or his Agent.

No lost time is required to be entered, except such as it may be intended to recover. The entries of all the details in this Notice relating to any time lost or recovered shall be made in conformity with the provisions in the Act.

FORM of the NOTICE to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought or Floods, and is intended to be recovered during the following Night.

NOTICE OF TIME LOST AND RECOVERED.

TIME LOST.				TIME RECOVERED.		
Description of the Room where the Stoppage took place, and of the Machinery stopped.	Time of the Day when the Stoppage took place.	Amount of Time lost.		Signature of the Person taking Time.	Time of the Night when the Young Persons are employed.	Amount of Time recovered.
		Hours.	Minutes.			Hours. Minutes.

NAMES of the FEMALES and YOUNG PERSONS who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when Time was lost.	Surname.	Christian Name.	Date when Time was lost.	Surname.	Christian Name.

The entries of time lost, and of the names of the females and young persons who have lost time, shall be made in these notices before any part of the time can be recovered.

All Notices of time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the order of their respective dates, and be open for the examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six calendar Months after the lost time entered therein shall have been recovered.

SCHEDULE (D.)—FORMS OF NOTICES, SUMMONSES AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such driving Strap or Band in the Factory, as appears to him to be dangerous to the Workers.

To (*name of Occupier*), Occupier of a (*description of the manufacture*) Factory, situated in the Parish of _____ and County of _____

I hereby give you Notice that the following parts of the Machinery in your Mill, namely (*here enumerate the parts*), appear to me to be dangerous, and likely to cause bodily injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely fenced. And I hereby further give you Notice, that, by the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided, that if, after receiving this Notice, you shall neglect or fail to fence the above-enumerated Machinery, and if any bodily injury shall afterwards be inflicted on any person, in consequence of such neglect or failure, you will be liable to a penalty of One Hundred Pounds, over and above all costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand, this _____ day of _____ in the Year One thousand eight hundred and _____
(signed) _____ Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS to be issued by an INSPECTOR or SUB-INSPECTOR against a Person who has committed an Offence.

County of _____ }
(*or*, Borough of) }

To the Constable of _____

WHEREAS it appeareth to me, I. F., one of Her Majesty's Inspectors (*or*, Sub-Inspector) of Factories, that A. D. of _____ in the county (*or*, borough, &c.) of _____ hath offended against the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*); Forasmuch as he the said A. D., on the _____ day of _____ in the year of our Lord _____ at _____ in the county (*or*, borough, &c.) of _____ did (*here set forth the substance of the charge*): These therefore are to require you forthwith to summon the said A. D. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (*or*, borough, &c.) of _____ who shall be present at _____ in the county (*or*, borough, &c.) of _____ on the _____ day of _____ at the hour of _____ in the _____ noon of the same day, to answer to the said charge, and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this _____ day of _____ in the year of our Lord _____
(signed) _____ I. F., Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS of a WITNESS to be issued by an INSPECTOR
or SUB-INSPECTOR.

County of }
(or, Borough of) }

To the Constable of

WHEREAS it appeareth to me, I, F., one of Her Majesty's Inspectors (or, Sub-Inspector) of Factories, that A. D. of in the county (or, borough, &c.) of hath offended against the Act made in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*); Forasmuch as he the said A. D., on the day of in the year of our Lord at in the county (or, borough, &c.) of did (*here set forth the substance of the charge*), and that B. P. of in the county (or, borough, &c.) is a material Witness to be examined concerning the said charge: These therefore are to require you forthwith to summon the said B. P. to appear before such one or more of Her Majesty's Justices of the Peace acting in and for the county (or, borough, &c.) of as shall be present at in the county (or, borough, &c.) of on the day of at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand, this day of in the year of our Lord
(signed) I. F., Inspector (or, Sub-Inspector.)

FORM OF CONVICTION.

County of } BE it Remembered, That on the day of
(Liberty or Borough, } in the year One thousand eight hundred and A. B.
as the case may be.) } (*describe the offender*) is convicted before me, J. P., one of Her Majesty's Justices of the Peace for the county (liberty or borough, *as the case may be*), of in pursuance of an Act passed in the year of the reign of Queen VICTORIA, intituled, (*here insert the title of this Act*), for that he (*describe the offence*.)

Given under my hand and seal the day and year above written.

J. P.

L. S.

(No. 2.)

Factories.

A

B I L L

To amend the Laws relating to Labour in
Factories.

(Prepared and brought in by
Sir James Graham and Mr. Manners Sutton.)

Ordered, by The House of Commons, to be Printed,
29 March 1844.

160.

Under 8 oz.

7 May 1844.—7 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE, AND ON REPORT,]

To amend the Laws relating to Labour in Factories.

[N. B.—*The Clause marked (A.) was added by the Committee.*]

WH^{EREAS} the Laws relating to Labour in Factories require to be amended; **B**E ^{Preamble.} **it** ^{1.} **Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT ^{Commence-} ^{ment of Act.} this Act shall take effect from and after the First day of October in the year One thousand eight hundred and Forty-four, except any provisions for the taking effect of which any other time shall be hereinafter specially limited, all which last-mentioned provisions shall ¹⁰ take effect from and after such time as shall be hereinafter specially mentioned in that behalf.

And be it Enacted, That after the passing of this Act, no Inspector of Factories shall have power in that capacity to act as a Magistrate, or to make rules, regulations and orders as authorized by an Act, hereinafter called "the Factory Act," passed in the fourth year of the reign ^{2.} ^{Restriction} ^{on power of} ^{Inspectors} ^{and Sub-} ^{Inspectors.} of his late Majesty, and intituled, "An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom," except as hereinafter mentioned; and that no Inspector or person appointed to superintend the execution of the provisions of the ^{3 & 4 Will. 4,} ^{c. 103.} Factory Act and of this Act, under the direction of an Inspector, hereinafter called a Sub-Inspector, shall be liable to serve upon any jury, or to serve any parochial or municipal office, so long as he shall continue to hold the office of Inspector or Sub-Inspector.

3.
Power of
Inspectors
and Sub-
Inspectors.

And be it Enacted, That every Inspector and Sub-Inspector shall have power to enter every part of any Factory at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a Factory, and to enter any school in which children employed in Factories are educated, and at all times to take with him into any Factory the certifying Surgeon of the district hereinafter mentioned, and any Constable or other Peace Officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a Factory or in such a school, or whom he shall have reason to believe to be or to have been employed in a Factory, within Two Months next preceding the time when he shall require him to be examined, touching any matter within the provisions of this Act; and the Inspector or Sub-Inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have power to examine the registers, certificates, notices and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined; or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the admission of an Inspector or Sub-Inspector to any part of a Factory or school, or shall prevent an Inspector or Sub-Inspector from examining any register, certificate, notice or other document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the execution of the powers intrusted to him.

4.
Protection of
Inspectors
and Sub-
Inspectors.
24 Geo. 2,
c. 44.

And be it Enacted, That the provisions of an Act passed in the twenty-fourth year of the reign of King GEORGE the Second, intituled, "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants," as amended by any subsequent Act, so far as they relate to rendering Justices of the Peace more safe in the execution of their office, shall extend to protect the Inspectors and Sub-Inspectors in the exercise of their duties under this Act.

5.
Office of
Factory
Inspectors.

And be it Enacted, That a proper office, to be called "The Office of the Factory Inspectors," shall be provided in London or Westminster for the use of the Inspectors, and for the preservation of the Factory Records, and all documents relating to the several

several proceedings under this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from time to time such clerks and servants as may be deemed necessary to carry on the business of the said office, and may at pleasure remove them, or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall fix the salaries of the clerks and servants in fit proportion, according to the duties they may have to perform.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the approval of such Principal Secretary, from time to time may make regulations for the management of the said office, and for regulating the duties of the several Inspectors and Sub-Inspectors, and of the clerks and servants of the said office, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Inspectors and Sub-Inspectors, clerks and servants respectively.

6.
Management
of the
office, and
regulating
duties of
Inspectors.

And be it Enacted, That after the passing of this Act, every person, on beginning to occupy a Factory, shall, within One Month, send, addressed "To the Office of the Factory Inspectors, London," a written notice, containing the name of the Factory, the place, township, parish and county where it is situated, the post-office to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the Factory is to be carried on.

7.
Persons be-
ginning to
occupy a
Factory
to send notice
to the Office of
Factory In-
spectors.

And be it Enacted, That after the passing of this Act any Inspector shall have power to appoint a sufficient number of persons practising surgery or medicine to be certifying Surgeons, for the purpose of examining persons who shall be brought before them to obtain the surgical certificates of age required by the Factory Act and by this Act, and of giving the said certificates, and shall from time to time make regulations for their guidance, and shall in every such appointment specify the Factories or district for which each Surgeon is appointed, and may from time to time annul any such appointment, and in like manner make another or others; but every appointment of a certifying Surgeon, and every order annulling such appointment, may be revoked by the Secretary of State on appeal made to him for either purpose, and the Inspector of the district shall make known the name of the certifying Surgeons so from time to time appointed or discontinued to the occupiers of the Factories in that district, in such manner as to him shall seem fit; but no Surgeon being the occupier of a Factory, or having a beneficial interest in any Factory, shall be a certifying Surgeon.

8.
Certifying
Surgeons to be
appointed by
an Inspector.

9.
Form of
surgical
Certificate.

And be it Enacted, That the certificates of age required by the Factory Act or by this Act, herein called surgical certificates, shall be given according to the form and directions contained in the Schedule (A.) annexed to this Act, and the certificates given by any such certifying Surgeon shall be as valid as if countersigned by an Inspector, 5
Justice of the Peace, or Burgh Magistrate; and the name of every person for whom a surgical certificate of age is required by the Factory Act or by this Act, and the date of the first day of employment or re-employment of such person, shall be registered in the form and according to the directions given in the Schedule (B.) annexed to this Act, before 10
it shall be lawful to employ such person in a Factory: Provided always, That no surgical certificate shall be required for any young person above the age of Sixteen Years.

10.
Certificates
not given
by certifying
Surgeon must
be by persons
duly autho-
rized, and
counter-
signed by a
Magistrate

And be it Enacted, That no such surgical certificate given by any person who is not an appointed certifying Surgeon shall be of any force 15
unless it is given by a person duly authorized by an University or College, or other public body having authority in that behalf, to practise surgery or medicine, and countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace not being the occupier of a Factory, and not being 20
the father, son or brother of the occupier of a Factory; and no person shall countersign any such surgical certificate in the absence of the person named therein, or without proof that the person brought before him is the same to whom the certificate was granted.

11.
Surgical
Certificates
to be given
at the Fac-
tory.

And be it Enacted, That no person shall grant any surgical certificate 25
required by the Factory Act or by this Act, except upon personal inspection of the person named therein; and no certifying Surgeon shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate elsewhere than at the Factory where such person is to be employed, unless for special cause, to be allowed by an Inspector; 30
and if a certifying Surgeon shall refuse to grant a certificate of age for any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed. 35

12.
Agreement
between Mill
Occupier and
certifying
Surgeon.

And be it Enacted, That if the occupier of a Factory shall agree in writing with the certifying Surgeon of a district for the payment to be made by the occupier of the Factory to the certifying Surgeon for the examination of persons for whom surgical certificates are required by the Factory Act or by this Act; and if the terms of such agreement 40
shall be in conformity with such regulations for the guidance of the Surgeons as shall be made by the Inspector of the district, and shall be countersigned by the Inspector in token of such conformity, all penalties which

which may be incurred by any party for breach of such agreement may be recovered, as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are directed to be applied, and no such agreement shall be liable to any stamp duty.

- 5 And be it Enacted, That an Inspector shall fix the amount of fees to be paid by the occupier of a Factory, and the times when such fees shall be paid to the certifying Surgeon, and also the times when such certifying Surgeon shall visit a Factory, provided he shall be required to fix such fees and visits by the occupier of a Factory; and the fees so
- 10 to be fixed by the Inspector shall not in any case, where the surgeon shall examine more than One person, exceed One Shilling for each person who shall be presented to him at the Factory by the mill-owner or his agent to be examined, together with Sixpence for every Half Mile that the distance of the Factory from the residence
- 15 of such Surgeon shall exceed One Mile; and such fees, including mileage, shall not be less than One Shilling, and shall in no case exceed Five Shillings for any one visit, except when upon such visit the certifying Surgeon shall examine for the said certificates of age more than Ten persons who may be brought before him as aforesaid, in which
- 20 case he shall receive Sixpence for each person that he may so examine, instead of all other fees; and in any case where a Factory is situated within the distance of One Mile from the residence of a certifying Surgeon, the fee for such Factory shall not exceed Two Shillings and Sixpence for each visit, except when at any one visit he shall
- 25 examine for the said certificates of age more than Five persons who may be brought before him as aforesaid, in which case he shall receive Sixpence for each person that he may so examine, instead of all other fees; and no certifying Surgeon shall receive more than Sixpence for any certificate which he may be allowed by an Inspector, as herein-
- 30 before provided, to sign or issue otherwise than at the Factory where the person is to be employed; and the occupier of any Factory shall pay such fees to the certifying Surgeon at the time of signing such certificates, or at any other time when he may be directed by the Inspector to do so; and the occupier of such Factory may deduct the fee, or any
- 35 part thereof, not exceeding in any one case the sum of Three-pence, from the wages of the person for whom the certificate may have been granted; but in any case where such agreement, as aforesaid, has been executed between an occupier of a Factory and the certifying Surgeon, the amount named in such agreement shall be instead of the fees fixed
- 40 by any Inspector in virtue of this Act: Provided always, That no certifying Surgeon shall be required to visit any Factory situated within Three Miles of his residence, oftener than Once in each week, or to visit any Factory situated at a greater distance than Three Miles oftener than Once in every fortnight, unless with the consent of the occupier of the Factory.

13.
Inspector
may fix
Surgeon's
Fees.

14.
Inspectors
and Sub-
Inspectors
may annul
Certificates.

And be it Enacted, That no person who shall be employed in a Factory at the time when this Act shall come into force, under a surgical certificate, granted under the Factory Act, shall be required to have a new surgical certificate, in the form and manner provided by this Act, so long as he shall continue in the same Factory, but every Inspector and Sub-Inspector may annul any surgical certificate granted under this Act, and any surgical certificate granted before the passing of this Act, by writing across the surgical certificate the word "Annulled," with his name, and the date of annulling such certificate; provided that in either case he shall have reason to believe the real age of the person mentioned therein to be less than that mentioned in the certificate, or provided the certifying Surgeon of the district shall, upon reference made to him, deem such person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and no certificate so annulled shall be valid in respect of the person named therein for the purposes of this Act, from the day when the certificate shall have been so annulled; and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

15.
Certificates of
real age may
be obtained.

And be it Enacted, That in case any person shall be desirous of proving the real age of any person for whom a certifying Surgeon shall have refused to grant a certificate of age for the purposes of this Act, or whose surgical certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on demand, give to such person a requisition, under his hand, in a form to be approved of by the Inspectors and by the Registrar-General, for the production of a duly certified copy of the entry of the birth or baptism of such person; provided the party demanding the same shall declare the names of such person and of his parents, with the place where, and the year in which, he was born or baptized, which particulars shall be set forth in the requisition; and every party to whom such requisition shall have been given shall be entitled, upon payment of One Shilling, to receive, on personal application, or on application in writing, in such form and under such regulations as shall be approved of by the Inspectors and Registrar-General, from any minister, registrar, or other person having the care of any register of births or baptisms, in which the birth or baptism of such person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the minister, registrar or other person having charge of such register; and such payment of One Shilling shall be instead of all other fees or payments to which such minister, registrar or other person shall be entitled; and if the said certified copy, proving the age of the person named therein to be such as to entitle him to have the

the surgical certificate required, shall be produced to the certifying Surgeon of the district, he shall examine the same; and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying Surgeon shall thereupon, without further
 5 fee or reward, give a surgical certificate, in the form provided for that case in Schedule (A.) to this Act annexed, and shall write the word "Examined" upon the certified copy of the entry of the birth or baptism which he shall have received, with his signature and the date of such signature, and shall send such certified copy by the
 10 post to the Sub-Inspector of the district, who shall send a receipt for the same by post to the said Surgeon, and shall keep such certified copy of the entry of the birth or baptism for future reference, if necessary; and if any Inspector of Factories shall require a certified copy of the entry of the birth of any person employed in
 15 any Factory from the office of the Registrar-General, he or any person deputed by him shall, on producing a requisition in the form hereinbefore provided, be entitled to examine the indexes to the registers in the General Register Office, and to receive such certified copy endorsed on the requisition without the payment of any fee; but no certified
 20 copy of the entry of any birth or baptism issued in consequence of any such requisition hereinbefore provided shall be admissible in evidence in any court, or for any purpose, save for the purposes of this Act: Provided always, That in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient health
 25 or strength, or by reason of disease or bodily infirmity, the Inspector or Sub-Inspector shall not sign the requisition hereinbefore mentioned, and such person shall not be employed on proof of real age only.

And be it Enacted, That before employing any person requiring a surgical certificate under the Factory Act as amended by this Act, the
 30 occupier of the Factory shall obtain the surgical certificate, save as hereinafter excepted, and shall keep and be bound to produce every such certificate, when required, to the Inspector or Sub-Inspector; and no surgical certificate shall be valid, except for employment at the Factory for which it was originally granted, or if granted by a certifying
 35 Surgeon at any other Factory in the occupation of the same person who is occupier of the Factory for which the certificate was originally granted, provided such other Factory be in the district of the certifying Surgeon who granted the certificate, and the certificate be produced in the Factory where the person named in the certificate is at work; and the certifying Surgeon, as often as he
 40 shall visit a Factory for the purpose of granting certificates, shall enter in the register of workers the date of his visit, and the other particulars set forth in the Form, and according to the directions given in Schedule (B.) to this Act annexed.

16.
 Certificates
 to serve only
 for One Fac-
 tory.

17.
Surgical Cer-
tificates may
be dispensed
with for
Seven or
Thirteen
Days.

Provided always, and be it Enacted, That no occupier of any Factory shall be liable to any penalty for employing any person in any manner not contrary to the other provisions of the Factory Act as amended by this Act, without a surgical certificate, for any time not exceeding Seven working Days, or when the certifying Surgeon shall reside more than Three Miles from the Factory, for any time not exceeding Thirteen working Days, provided all surgical certificates for that Factory be granted only by the certifying Surgeon appointed for that Factory; but this enactment shall not be construed to dispense with the certificate of school-attendance, or to authorize the employment of any person in respect of whom the certifying Surgeon shall have refused to grant such surgical certificate. 5 10

18.
Factories to be
limewashed
yearly.

And be it Enacted, That after the passing of this Act it shall not be necessary to limewash the walls of any Mill, Factory or building, or to whitewash the ceilings of any rooms therein, otherwise than is hereinafter provided; and that all the inside walls, ceilings or tops of rooms, whether plastered or not, and all the passages and staircases of every Factory, which shall not have been painted with oil once at least within Seven Years, shall be limewashed Once at least within every successive period of Fourteen Months, to date from the period when last whitewashed; and all the inside walls and ceilings or tops of rooms in which children or young persons are employed, and which are painted with oil, shall be washed with hot water and soap Once at least within every successive period of Fourteen Months, as aforesaid. 15 20 25

19.
Protection of
Workers in
wet-spinning
Flax Mills.

And be it Enacted, That after the expiration of Six Months from the date of this Act coming into operation no child or young person shall be employed in any part of a Factory in which the wet-spinning of flax, hemp, jute or tow is carried on, unless sufficient means shall be employed and continued for protecting the workers from being wetted, and where hot water is used, for preventing the escape of steam into the room occupied by the workers. 30

20.
Mill-gearing
not to be
cleaned while
in motion.

And be it Enacted, That no child or young person shall be allowed to clean any part of the mill-gearing in a Factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; and no child or young person shall be allowed to work between the fixed and traversing part of any self-acting machine, while the latter is in motion by the action of the steam-engine, water-wheel or other mechanical power. 35

21.
Machinery to
be guarded.

And be it Enacted, That every fly-wheel directly connected with the steam-engine or water-wheel, or other mechanical power, whether in the 40

the engine-house or not, and every part of a steam-engine and water-wheel, and every hoist or teagle, near to which children or young persons are liable to pass or be employed, and all parts of the mill-gearing in a Factory, shall be securely fenced; and every wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race; and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel or other mechanical power for any manufacturing process.

- 10 And be it Enacted, That if any accident shall occur in a Factory which shall cause any bodily injury to any person employed therein, which shall have been of such a nature as to prevent the person so injured from returning to his work in the Factory before Nine of the clock of the following morning, the occupier of the Factory, or in his
15 absence, his principal agent, shall within Twenty-four Hours of such absence send a notice thereof in writing to the Surgeon appointed to grant certificates of age for the district in which the Factory is situated; in which notice the place of residence of the person injured, or the place to which he may have been removed, shall be stated, and
20 the Surgeon shall send a copy of such notice to the Sub-Inspector of the district by the first post after the receipt thereof.

22.
Notice to be
given of any
accident.

- And be it Enacted, That if a certifying Surgeon shall receive notice as aforesaid that an accident has occurred, which has caused bodily injury to any person employed in a Factory, for which he has been appointed
25 to grant certificates of age, and that it has been of such a nature as to have prevented the person so injured from returning to his work in the Factory the following morning, he shall with the least possible delay proceed to the said Factory, and make a full investigation as to the nature and cause of such bodily injury, and shall within the next
30 Twenty-four Hours send to the Inspector of the district a report thereof, a copy of which report, together with any other information which he may receive respecting the said accident, the Inspector of the district shall send to the office of the Factory Inspectors as soon as conveniently may be; and the certifying Surgeon, for
35 the purpose of such investigations only, shall have the same power, authority and protection as an Inspector, and shall also have power to enter any room in any building to which the injured person may have been removed; and for such investigation the said Surgeon shall receive a fee not exceeding Ten Shillings, or such part thereof,
40 not being less than Three Shillings, as the Inspector of the district may consider a reasonable remuneration to the Surgeon for his trouble, which fee shall be paid as other expenses incurred under this Act.

23.
Certifying
Surgeon to
examine into
the cause and
extent of
accident, and
report there-
on.

24.
Prosecution
for Compens-
ation by an
Inspector.

And be it Enacted, That One of Her Majesty's Principal Secretaries of State, on the report and recommendation of an Inspector, may empower such Inspector to direct one or more actions to be brought in the name and on behalf of any person who shall be reported by such Inspector to have received any bodily injury from the machinery of any Factory, for the recovery of damages for and on behalf of such person. 5

25.
Application of
Compensation
when reco-
vered.

And be it Enacted, That any damages which shall be recovered in any action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the person in whose behalf they have been recovered, or shall be otherwise settled for the use and benefit of the said person in such manner as shall be approved of by the Secretary of State; and in case a verdict shall be found for the defendant, or judgment shall be recovered against the plaintiff, or the plaintiff shall be nonsuited, the defendant shall have the like remedies for his costs against the Inspector, as he might have had against the plaintiff, and all charges and expenses incurred in bringing any such action, beyond what are recovered from the defendant, and not otherwise provided for, shall be paid as other expenses incurred under this Act are to be paid. 10 15 20

26.
Precaution to
ensure regu-
larity in the
observance of
time.

And be it Enacted, That the hours of the work of children and young persons in every Factory shall be reckoned from the time when any child or young person shall first begin to work in the morning in such Factory, and shall be regulated by a public clock, or by some other clock open to the public view, to be approved of in either case in writing under the hand of the Inspector or Sub-Inspector of the district. 25

27.
Registers to
be kept in
every Fac-
tory.

And be it Enacted, That registers shall be kept in the Factory to which they relate, by the occupier of every Factory, according to the forms and directions given in Schedule (B.) to this Act annexed; and every Inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such registers, and any other information with relation to the persons employed in the Factory which may be requisite to facilitate the performance of the duties of such Inspector in any inquiry made under the authority of the Factory Act or of this Act; but no information so sent by the occupier of any Factory which is not contained in the registers, certificates and other documents required by this Act to be received or kept, shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates and other documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same at any time when the Factory is at work. 30 35 40

And

28.

Abstract of
this Act, and
certain
Notices, to be
hung up in
every Fac-
tory.

And be it Enacted, That it shall not be necessary to hang up in any Mill or Factory any copy of any abstract of the Factory Act, or of any regulations made in pursuance of the said Act, other than is hereinafter provided, and that such abstract of the Factory Act as amended by this Act as shall
5 be directed by One of Her Majesty's Principal Secretaries of State, shall be fixed on a moveable board and be hung up, as soon as received, by the occupier of the Factory or his agent, in the entrance of the Factory, and in such other places as the Inspector or Sub-Inspector of the district may direct; and notices of the names and addresses of the Inspector,
10 and Sub-Inspector of the district in which the Factory is situated, of the name and address of the Surgeon who grants certificates of age for the Factory, of the clock by which the hours of work in the Factory are regulated, of the times of beginning and ending daily work of all persons employed in the Factory, and any alteration thereof, of the times
15 of the day and amount of time allowed for their several meals, of all time lost which is intended to be recovered, and of all time which shall be recovered, together with every other notice required by this Act, written or printed in legible characters and fixed on moveable boards, (each particular notice being signed by the occupier of every Factory, or his agent,) shall be hung up in the entrance of the Factory, where they
20 may be easily read by the persons employed in the Factory, and in such other places as the Inspector or Sub-Inspector of the district may direct, and whence they shall not be removed while the Factory is at work; and in case any such abstract of the Factory Act as amended
25 by this Act or notice shall become illegible in any part, the occupier of the Factory shall cause a new copy thereof to be provided and hung up as aforesaid; but the notice of lost time need not remain after the whole of the lost time intended to be recovered shall have been recovered; and every notice required to be hung up shall be in the
30 forms and according to the directions given in the Schedule (C.) hereunto annexed.

29.

Children may
be employed
in Factories at
Eight Years
of age.

And be it Enacted, That every child who shall have completed his Eighth Year, and shall have obtained the surgical certificate required by this Act, of having completed his Eighth Year, may be employed
35 in a Factory in the same manner and under the same regulations as children who have completed their Ninth Year; but no child under Eight Years of age shall be employed in any Factory.

30.

Time of Chil-
dren's work.

And be it Enacted, That no child shall be employed in any Factory more than Six Hours and Thirty Minutes in any one day, save as hereinafter excepted, unless the dinner time of the young persons in such
40 Factory shall begin at One of the clock, in which case children beginning to work in the morning may work for Seven Hours in One day; and no child who shall have been employed in a Factory before noon of any day shall be employed in the same or any other Factory, either for the

purpose of recovering lost time or otherwise, after One of the clock in the afternoon of the same day, save in the cases when children may work on alternate days, or in Silk Factories more than Seven Hours in any one day, as hereinafter provided.

31.
How Children may be employed on Three alternate Days of the Week.

And be it Enacted, That in any Factory in which the labour of 5
young persons is restricted to Ten Hours in any one day, it shall be
lawful to employ any child Ten Hours in any one day on Three alter-
nate days of every week, provided that such child shall not be em-
ployed in any manner in the same or in any other Factory on two
successive days, nor after Half-past Four of the clock in the afternoon 10
of any Saturday : Provided always, That the parent or person having
direct benefit from the wages of any child so employed, shall cause
such child to attend some school for at least Five Hours, between the
hours of Eight of the clock in the morning and Six of the clock in
the afternoon of the same day, on each week-day preceding each day 15
of employment in the Factory, unless such preceding day shall be a
Saturday, when no school attendance of such child shall be required :
Provided also, That on Monday in every week after that in which
such child began to work in the Factory, or any other day appointed
for that purpose by the Inspector of the district, the occupier of the 20
Factory shall obtain a certificate from a Schoolmaster, according to
the form and directions given in the Schedule (A.) to this Act annexed,
that such child has attended school as required by this Act ; but it
shall not be lawful to employ any child in a Factory more than
Seven Hours in any one day, until the owner of the Factory shall have 25
sent a notice in writing to the Inspector of the district of his intention
to restrict the hours of labour of young persons in the Factory to Ten
Hours a day, and to employ children Ten Hours a day ; and if such
occupier of a Factory shall at any time cease so to employ children
Ten Hours a day, he shall not again employ any child in his Factory 30
more than Seven Hours in any one day until he shall have sent a
further notice to the Inspector in the manner hereinbefore provided.

32.
Women to be employed as young persons.

And be it Enacted, That no female above the age of Eighteen
Years shall be employed in any Factory save for the same time and
in the same manner as young persons may be employed in Factories ; 35
and that any person who shall be convicted of employing a female
above the age of Eighteen Years for any longer time or in any other
manner, shall for every such offence be adjudged to pay the same
penalty as is provided in the like case for employing a young person
contrary to law : Provided always, That nothing herein or in the 40
Factory Act contained as to certificates of age shall be taken to
apply to females above the age of Eighteen Years.

33.
Provision for recovering lost time by

And be it Enacted, That no time lost by accident or otherwise in
any Factory shall be made good or worked up by extension of ordinary
hours

hours of labour, save as is hereinafter provided; and that in any Factory in which any part of the machinery is moved by the power of water, the time which shall have been lost by stoppages from want of water, or from too much water, may be recovered in manner following, within Six Months next after the stoppage, between the hours specified in the Factory Act, as those within which time lost by drought or excess of water may be recovered; and in order to recover time so lost, any child or young person may be employed One Hour in each day more than the time to which the ordinary daily labour of children and young persons respectively is restricted by law, except on Saturday; but it shall not be lawful so to recover any lost time until a notice shall have been sent by post to the Sub-Inspector of the district in which the Factory is situated, stating the intention so to recover time that has been lost, nor unless a notice, according to the form and directions given in the Schedule (C.) to this Act annexed, shall have been previously fixed up in the entrance of the Factory and in such other places as an Inspector or Sub-Inspector may direct; and such notice shall be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said Schedule (C.); nor shall lost time be so recovered on two successive days, unless the amount of time recovered on any one day shall be inserted before Nine of the clock in the morning of the following day in the last-mentioned notice.

stoppage of
the Machi-
nery.

And be it Enacted, That in any Factory in which any part of the machinery is moved by the power of water, when the stream is so diminished by drought, or swollen by flood during any part of the day, that any part of the manufacturing machinery driven by the water-wheel has been stopped by reason of such drought or flood, the young persons who would have been employed at such machinery may recover such lost time during the night next following the said day, unless the said day be Saturday: Provided always, That no such young person shall be employed during any Twenty-four consecutive hours for a greater number of hours than that to which the ordinary daily labour of such young persons in Factories is otherwise restricted by law; and that no young person so employed in the night shall work more than Five Hours, without an entire cessation from work of at least Thirty Minutes; but it shall not be lawful to recover any such lost time, unless a notice, according to the form and directions given in the Schedule (C.) to this Act annexed, shall have been previously fixed up in the entrance of the Factory, and in such other places as an Inspector or Sub-Inspector may direct, and unless such notice be kept so fixed up during the whole time while the lost time is in course of being recovered; and such notice shall be kept in a book as directed in the said Schedule (C.)

34.
Provision for
recovering
time lost by
partial stop-
pages.

35.
Work to cease
on Saturday
at Half-past
Four.

And be it Enacted, That no child or young person shall be employed in a Factory, either to recover lost time or for any other purpose, on any Saturday, after Half-past Four of the clock in the afternoon.

36.
Additional
Regulations
as to Meal-
times.

And be it Enacted, That the times allowed for meal-times as provided by the Factory Act, shall be taken between the hours of Half-past Seven in the morning and Half-past Seven in the evening of every day, and One Hour thereof at the least shall be given, either the whole at one time, or at different times, before Three of the clock in the afternoon; and no child or young person shall be employed more than Five Hours before One of the clock in the afternoon of any day without an interval for meal-time of at least Thirty Minutes; and during any meal-time which shall form any part of the Hour and a Half allowed for meals, no child or young person shall be employed or allowed to remain in any room in which any manufacturing process is then carried on; and all the young persons employed in a Factory shall have the time for meals at the same period of the day, unless some alteration for special cause shall be allowed in writing by an Inspector.

37.
Additional
Regulations
as to Holi-
days.

And be it Enacted, That each of the half-holidays required by the Factory Act to be given, shall comprize not less than One-half of the day, and during such time no young person shall be employed in the Factory; and that at least Four of such half-holidays shall be given between the Fifteenth day of March and the First day of October in each year to every young person who shall be employed in the Factory during the whole of such period; but no cessation from work shall be deemed a half-holiday unless notice of such half-holiday and of the time of such cessation from work shall have been fixed up on the preceding day in the entrance of the Factory and in any other place that the Inspector or Sub-Inspector may direct; and that in addition to such Eight Half Days, no child or young person shall be allowed to work in any Factory on Christmas-day or Good Friday, in England or Ireland; and in Scotland no child or young person shall be allowed to work on any day the whole of which is set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish in which the Factory is situated.

38.
Additional
Regulations
for the at-
tendance of
Children at
school.

And be it Enacted, That, save as herein otherwise provided, the parent or person having any direct benefit from the wages of any child employed in a Factory, shall cause such child to attend some school on the day after the first employment of such child, and thenceforth on each working day of every week during any part of which the said child shall continue in such employment; so that on every such day, except in the cases hereinafter provided, such child shall attend school during at least Three Hours after the hour of Eight of the clock in the morning, and before the hour of Six of the clock in the evening: Provided always, That any child attending school after One of the clock in the

the afternoon shall not be required to remain in school more than Two hours and a Half on any one day, between the First day of November and the last day of February, and no child shall be required to attend school on any Saturday, and the non-attendance
 5 of every such child shall be excused on every day on which such child shall be certified by the schoolmaster to have been prevented by sickness or other unavoidable cause from attending the school, and during any holiday or half-holiday authorized by this Act, or by consent in writing of the Inspector of the district in which the Factory is
 10 situated, or where the school-room is situated within the outer boundary of the Factory at which such child is employed, on every day on which the school shall be closed in consequence of the said Factory ceasing to be at work during the whole day.

And be it Enacted, That no Schoolmaster's tickets or vouchers shall
 15 be required or valid other than is hereinafter provided, and that the occupier of every Factory in which a child is employed shall, on Monday in every week after the first week in which such child began to work in the Factory, or on any other day appointed for that purpose by an Inspector, obtain a certificate from a Schoolmaster,
 20 according to the form and directions given in the Schedule (A.) to this Act annexed, that such child has attended school, as required by this Act, during the foregone week; and such occupier shall keep such certificate for Six Months after the date thereof, and shall produce the same to any Inspector or Sub-Inspector when required during such
 25 period, and shall, when required by the Inspector for the district, pay to the Schoolmaster of such child, or to such other person as the said Inspector may direct, toward the expenses of educating such child, such sum as the Inspector may require, not exceeding Two-pence per week, and shall be entitled to deduct from the wages
 30 payable to such child any such sum as he shall have been required to pay for such expenses, not exceeding the rate of One-twelfth part of the weekly wages of such child: Provided always, That if an Inspector, on his personal examination, or on the report of a Sub-Inspector, shall be of opinion that any Schoolmaster who grants certi-
 35 ficates of the school attendance of children employed in a Factory is unfit to instruct children, by reason of his incapacity to teach them to read and write, from his gross ignorance, or from his not having the books and materials necessary to teach reading and writing, or because of his immoral conduct, or of his continued neglect to fill up and sign
 40 the certificates of school attendance required by this Act; the Inspector or Sub-Inspector of the district may annul any certificate granted by such disqualified Schoolmaster, by a notice in writing addressed to the occupier of the Factory in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such Schoolmaster to be unfit; and after the date

39.
 Occupier of
 Factory to
 obtain School
 Certificate,

and to pay
 School Fees.

of such notice, no certificate of school attendance granted by such Schoolmaster shall be valid for the purposes of this Act, unless with the consent, in writing, of the Inspector of the district ; but no Inspector shall annul any such certificate, unless in the aforesaid notice he shall name some other school situated within Two Miles of the Factory where the children named in the certificate are employed : Provided also, That any Schoolmaster whose certificate shall have been annulled, or the occupier of the Factory in which the children named in the said certificate are employed on behalf of the Schoolmaster, may appeal to the Secretary of State against such decision of the Inspector, and the Secretary of State may, if he think fit, rescind such decision : Provided also, That every Inspector shall, in his annual report to the Secretary of State for the Home Department, state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.

40.
Repeal of
part of 3 & 4
W. 4, c. 103.

And be it Enacted, That so much of the Factory Act as limits the time for preferring complaints for offences against the said Act, and as requires any written notice to be given of the intention to prefer any complaint for such offence, and as fixes any penalty or punishment for offences against the said Act, and as relates to the procedure for convicting any person of any offence against the said Act, and for levying or inflicting the penalty or punishment imposed, and for appealing against any such conviction, and as specifies the circumstances under which any penalties and punishments shall not be levied or inflicted, and as relates to the application of penalties, shall be repealed.

41.
Occupier of
the Factory
to be liable
in the first
instance.

And be it Enacted, That the occupier of any Factory in which any offence against this Act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty ; but any occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant or workman, whom he shall charge as the actual offender, brought by summons before the Justices at the time appointed for hearing the complaint made against him by the Inspector or Sub-Inspector ; and if after the commission of the offence has been proved, the occupier of the Factory shall prove, to the satisfaction of the Justices, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant or workman had committed the offence in question, without his knowledge, consent or connivance, the said agent, servant or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the Factory ; and the payment

payment of such penalty and costs shall be enforced against the agent, servant or workman, in like manner as penalties are made recoverable by this Act: Provided always, That when it shall be made to appear to the satisfaction of the Inspector or Sub-Inspector, at the time of discovering
 5 the offence, that the occupier of the Factory had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance or knowledge of the occupier, and in contravention of his orders, then the Inspector or Sub-Inspector shall
 10 proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the Factory.

And be it Enacted, That notice in writing of an intention to prefer a complaint, that a child or young person had been employed
 15 in a Factory, in which sufficient means had not been employed or continued for protecting the workers from being wetted, or for preventing the escape of steam into the room occupied by the workers, or that any part of the aforesaid machinery, hoist or teagle, or wheel-race has not been securely fenced, shall be given
 20 Four Days at least previous to the day fixed for hearing the complaint; and if the party complained against intend to bring forward any millwright or other person skilled in the construction of the aforesaid machinery as a witness at the hearing of the case, he shall give notice in writing of such intention to the Inspector, or Sub-
 25 Inspector, who shall be the complainant, Forty-eight Hours previous to the day fixed for hearing the case.

42.
 Notice of
 complaints of
 unguarded
 Machinery.

And be it Enacted, That if an Inspector or Sub-Inspector shall observe in a Factory any part of the machinery of any kind or description, or any driving strap or band not securely fenced,
 30 which he shall deem likely to cause bodily injury to any person employed in such Factory, he shall give notice in writing to the occupier of such Factory, or his agent, of such part of the machinery, or such strap or band as he shall deem to be dangerous, according to the form and directions given in Schedule (D.) to this Act annexed;
 35 and the occupier of the Factory, or his agent, shall sign a duplicate copy of such notice in acknowledgment of his having received it: Provided always, That upon an application in writing made by the occupier of the Factory, within Fourteen Days after he shall have received such notice, Two arbitrators skilled in the construction of the
 40 kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the occupier of the Factory in the aforesaid application, and the other by the Inspector of the district, with the least possible delay after he shall have received such application; and the said arbitrators shall proceed to examine the machinery

43.
 Inspector or
 Sub-Inspector
 to give notice
 of dangerous
 Machinery.

alleged to be dangerous within Fourteen Days of the appointment of the arbitrator named by the Inspector; and if the arbitrators so appointed shall not agree in opinion, the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery; and if the said arbitrators, or any Two of them, shall sign an opinion in writing addressed to the Inspector of the district that it is unnecessary or impossible to fence the machinery, or strap or band alleged in the notice to be dangerous, the Inspector of the district on receipt of the same shall cancel the said notice; and if the decision of the arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous, the expense of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expenses of the reference shall be paid by the occupier of the Factory, and shall be recoverable as the penalties under this Act are recoverable.

44.
Complaints to
be preferred
within Two
Months.

And be it Enacted, That all complaints for offences against this Act shall be preferred within Two Months next after the commission of the offence, except in the case of complaints for offences punishable at discretion, by fine or imprisonment, or for working on Christmas-day, Good Friday or the Sacramental Fast-days, or for not giving all or any of the Eight half-days for holidays required to be given, in each of which cases the complaints may be preferred within Three Months next after the commission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence shall have been committed after a complaint shall have been made for the previous offence, and except also for offences of employing Two or more children or young persons, contrary to law.

45.
Proceedings
under this
Act may be
had before
any Justices.
Penalties may
be recovered
as in 5 G. 4,
c. 18.

And be it Enacted, That all complaints for the enforcement of any penalty under this Act shall be heard and determined by Two or more Justices of the Peace acting for the county or other jurisdiction wherein the offence was committed, or for any adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction be not more than Five Miles from the place where the offence was committed; and the Justices by whom any person shall be fined for any offence against this Act may order that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately or within such time as the said Justices shall think fit; and in default of payment thereof, any Justice may cause the same to be levied by distress and sale of the goods and chattels of the party convicted,

victed, together with the reasonable costs and charges of such conviction, distress and sale, by warrant under the hand and seal of any such Justice ; and where the warrant of distress is directed against the goods and chattels of any person being the occupier of a Factory, it shall be law-
 5 ful under such warrant to distrain any goods and chattels found in the said Factory which would be liable to be distrained for rent in arrear.

Power of dis-
training goods
in Factory
where Occu-
pier is con-
victed.

And be it Enacted, That in England and Ireland, a summons for an offence against this Act shall be issued by any Justice, upon complaint being made to him in writing by an Inspector or Sub-
 10 Inspector, or upon oath before him by any other person, that to the best of the knowledge and belief of the Inspector, Sub-In-
 spector or such other person, such an offence has been committed ; and in Scotland, a summons for an offence against this Act shall be issued by any Justice, upon complaint being made to him in writing
 15 by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by any person having a title and interest to prosecute with the concurrence of the Procurator Fiscal, that to the best of the knowledge and belief of such Inspector, Sub-Inspector, Procurator Fiscal or other person such an offence has been committed ; and in every such prose-
 20 cution in Scotland the proceedings shall be summary, and it shall not be necessary to take down in writing more than the substance of the evidence ; and no higher or other fees shall be allowed in Scotland to the Clerk of Court or Constables, than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in causes and prosecutions under the
 25 authority of an Act passed in the tenth year of the reign of King GEORGE the Fourth, intituled, " An Act for the more effectual Recovery of Small Debts, and for diminishing the Expenses of Litigation in Causes of Small Amount in the Sheriff Courts in Scotland."

46.
Issue of
Summons for
Offences
against Act.

10 Geo. 4,
c. 55.

And be it Enacted, That every person who shall be summoned to
 30 answer any complaint shall be bound to appear at the time and place mentioned in the summons, and to produce before the Justices then and there present every register, or other account, paper or notice, required by law to be kept by him or his agent, which shall be men-
 35 (upon proof of due service of the summons) the Justices may either hear and determine the case in his absence, or issue his warrant, as hereinafter provided, for enforcing his attendance and the attendance of any witness who shall refuse or neglect to appear.

47.
Compelling
Parties to
appear and
bring Re-
gister.

And be it Declared and Enacted, That it shall be no objection to
 40 the competency of any Inspector or Sub-Inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such Inspector or Sub-Inspector.

48.
Inspectors and
Sub-Inspec-
tors competent
Witnesses.

49.
Justices
may enforce
attendance of
Witnesses.

And be it Enacted, That any Justice of the Peace, upon any complaint under this Act, may summon any witness to appear and give evidence at a time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before the Justices by whom the complaint shall be heard, who shall neglect or refuse to appear at the time and place appointed in any summons, proof, upon oath, being first given of personal service of the summons upon the person against whom such warrant shall be granted, and may commit any person coming or brought before such Justices, who shall refuse to give evidence, to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding One Month, or until such person shall sooner submit himself to be examined ; and in case of such submission, the order of any Justice shall be a sufficient warrant to any gaoler or prison-keeper for the discharge of such person.

50.
Inspectors
and Sub-
Inspectors
may summon
Offenders and
Witnesses.

And be it Enacted, That every Inspector and Sub-Inspector shall be empowered to summon any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge ; and every such summons shall be of the same effect as if issued by a Justice of the Peace, after complaint upon oath before him, and shall be enforced in like manner, and the like proceedings may be had thereupon as if complaint upon oath had been made before such Justice for such offence ; and every constable and other peace-officer to whom any such summons shall be directed shall be bound to take charge of and to serve such summons, and in default thereof shall be liable to be punished as if the summons had been issued by a Justice of the Peace ; and every such summons of an offender or witness may be in the form provided in each case and given in the Schedule (D.) hereunto annexed ; and when an Inspector or Sub-Inspector shall summon an offender, he shall give to the same constable or peace-officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the period named in the summons for the appearance of the party charged with such offence.

51.
In case of
Partnership,
One name
sufficient for
Summons.

And be it Enacted, That it shall be sufficient in any information, complaint or other proceeding under this Act, to set forth the name of the ostensible occupier, or title of the firm by which the occupier employing the work-people of the Factory may be usually known ; and the service of any summons, order or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling-house of the person to whom the same shall be addressed, or, in the case of summoning,

summoning, or giving an order or notice to the occupier of a Factory, or to a Schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post, directed to the occupier of the Factory at the Factory, or to the Schoolmaster at his school.

And be it Enacted, That in any complaint of the employment of any person in a Factory otherwise than is allowed by this Act, the time of beginning work in the morning, which shall be stated in any notice fixed up in the Factory, signed by the occupier or his agent, shall be taken to be the time when all persons in the Factory, except children beginning to work in the afternoon, began work on any day subsequent to the date of such notice, so long as the same continued fixed up in the Factory; and if any person shall be allowed to enter, or be in any Factory, except at meal-times, or during the stoppage of the whole machinery of the Factory, or for the sole purpose of bringing tea or other articles of food to the workers in a Factory, between the hours of Four and Five of the clock in the afternoon, it shall be evidence, unless the contrary shall be proved, that such person was then employed in that Factory; but yards, play-grounds and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the Factory, in which no machinery is used, or manufacturing process carried on, shall not be taken to be any part of the Factory, with reference to this enactment.

52.
Evidence of
Employment.

And be it Enacted, That every surgical certificate given under this Act, or which has been granted conformably to the Factory Act, and which shall not have been annulled, shall be evidence, in the first instance, of the age of the person named therein, but shall not protect any person, knowing such person to be of less than the age certified, from any penalty for employing, or conniving at the employment, of such person, otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing any person contrary to this Act, a declaration in writing by the certifying Surgeon of the district, that he has personally examined such person, and believes him to be under such age as shall be set forth in such declaration, shall be evidence, in the first instance, until the contrary shall be made to appear, that such person is under the age mentioned in such declaration.

53.
Surgical
Certificates
to be proof of
Age.

And be it Enacted, That if any Inspector or Sub-Inspector shall make a complaint before a Justice of the Peace that the real age of any person who is employed in a Factory without a surgical certificate is less than Sixteen, the occupier of the Factory in which such person is employed shall be liable to the penalties for employing persons

54.
Proof of age
of Persons
alleged to be
Sixteen.

for whom a surgical certificate is required by law, without the proper surgical certificate, unless, upon the proceeding for the enforcement of such penalties, he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his Sixteenth Year of age.

5

55.
Proof of Age
of Persons
alleged to be
Eighteen.

And be it Enacted, That if an Inspector or Sub-Inspector shall make a complaint before a Justice of the Peace that the real age of any person employed in a Factory in a manner contrary to law is less than Eighteen, the occupier of the Factory in which such person is employed shall, save in the cases hereinafter excepted, be liable to 10 the penalty for employing such person, unless, upon the proceeding for the enforcement of such penalties, he shall prove that the said person had completed his Eighteenth Year.

56.
Penalties for
employing
Children and
young Persons
longer than
allowed by
the Act.

And be it Enacted, That any person who shall be convicted of having employed any person in any manner contrary to the pro- 15 visions of the Factory Act as amended by this Act, or for employing a child without having obtained a certificate from a schoolmaster where such certificate is required by law, such person not being the parent nor having any direct benefit from the wages of such child, shall for every such offence be adjudged to pay a penalty of not less 20 than Twenty Shillings, and not more than Three Pounds, for each child or young person so illegally employed: Provided always, That if it shall be proved that such offence was committed during the night, the penalty shall not be less than Forty Shillings, nor more than 25 Five Pounds.

57.
Penalty on
Parents for
allowing
Children to be
employed
contrary to
this Act.

And be it Enacted, That the parent and every person having any direct benefit from the wages of any child or young person employed in any manner forbidden by the Factory Act as amended by this Act, or who shall neglect to cause such child to attend school as hereinbefore provided, shall be liable to a penalty of not less than 30 Five Shillings, and not more than Twenty Shillings, for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such offence has been committed without the consent, connivance or wilful default of such parent or person so benefited.

58.
Penalty for
not lime-
washing the
Factory.

And be it Enacted, That the penalty for not lime-washing the walls, 35 passages, staircases, and ceilings or tops of rooms, of a Factory within the period prescribed by this Act, or for not washing, as hereinbefore provided, the inside walls, and ceilings or tops of rooms, which are painted with oil, shall not be less than Three nor more than Ten Pounds, and not less than Two Pounds additional penalty for every 40 month during which the occupier shall allow any of the said walls, passages, staircases, or ceilings or tops of rooms, to remain without being lime-washed or washed as aforesaid, after being convicted of this offence.

And

And be it Enacted, That the penalty for not fencing the several parts of the machinery, hoist or teagle and wheelrace required by this Act to be fenced, shall be not less than Five Pounds and not more than Twenty Pounds.

59.
Penalty for
not fencing
Machinery.

5 And be it Enacted, That if any person shall suffer any bodily injury, in consequence of the occupier of a Factory having neglected to fence any part of the machinery, or any hoist or teagle, or any wheelrace required by this Act to be securely fenced, or having
10 or band in the Factory, of which he shall have received notice in writing from an Inspector or Sub-Inspector as hereinbefore provided, that the same was deemed to be dangerous, the occupier of such Factory shall pay a penalty not less than Ten Pounds, and not more than One hundred Pounds; and the whole or any part of
15 such penalty may be applied for the benefit of the injured person; or, otherwise, as the Secretary of State shall determine; and so much of such penalty as shall not be applied as aforesaid shall be applied as other penalties under this Act: Provided always, That the occupier of the Factory shall not be liable to any such penalty, if the notice
20 which he shall have received from an Inspector or Sub-Inspector shall have been cancelled as hereinbefore provided, or that in any proceeding against an occupier of a Factory for not securely fencing that part of the machinery, hoist, teagle or wheelrace by which such bodily injury was inflicted, the complaint shall have been heard and
25 dismissed previous to the time when such bodily injury was inflicted.

60.
Penalty for
not fencing
dangerous
Machinery,
after Notice.

And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-Inspector, in the execution of any of the powers intrusted to him by the Factory Act as amended by this Act, shall be liable, for each offence, to a penalty not less than Three
30 Pounds and not more than Ten Pounds.

61.
Penalty for
obstructing
Inspectors
or Sub-In-
spectors.

And be it Enacted, That every occupier of a Factory in which an Inspector or Sub-Inspector shall be obstructed in the night by any attempt to prevent his making a full and complete examination of all parts of the Factory, and of every person employed therein, shall be
35 liable to a penalty of not less than Twenty Pounds and not more than Fifty Pounds.

62.
Penalty for
obstructing
Inspectors or
Sub-Inspec-
tors in the
night.

And be it Enacted, That every person convicted of making, giving, signing, countersigning, counterfeiting or making use of any certificate authorized or required by the Factory Act or by this Act, knowing
40 the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited certificate, or any false entry in any register, or any other account, paper or notice required by this Act, and also every person convicted of wilfully

63.
Offences
which shall be
punishable
by Fine or Im-
prisonment.

making and signing a false declaration on any proceedings under this Act, shall be liable to a penalty, not less than Five Pounds and not more than Twenty Pounds, or to be imprisoned for any time, not more than Six Months, in the house of correction in the county, town or place where the offence was committed.

5

64.
Penalty for
Offences not
otherwise
specified.

And be it Enacted, That the penalty for any offence against the Factory Act as amended by this Act, for which no specific penalty is hereinbefore provided, shall be any sum not less than Two Pounds and not more than Five Pounds.

65.
Penalty in
case of second
and subse-
quent Con-
victions.

And be it Enacted, That every person who shall be convicted 10
Twice within Twelve Months for an offence of the same kind against
the Factory Act as amended by this Act, shall pay for his second
offence any sum not less than One-half of the highest penalty for
that offence ; and if convicted Three times within Twelve Months
for an offence of the same kind, he shall pay not less than Two- 15
thirds of the highest penalty ; and if convicted more than Three
times within Twenty-four Months for an offence of the same kind,
he shall pay the highest penalty ; but a repetition of the same kind
of offence shall not be considered as the second or subsequent offences
referred to in this enactment, unless such second or subsequent offences 20
shall have been committed after a complaint has been made for the pre-
vious offences ; and in any case in which a person shall be convicted
at any one time for offences against the Factory Act as amended
by this Act, so that the penalties amount in the whole to more
than One hundred Pounds, the sum of One hundred Pounds, together 25
with all the reasonable costs and charges of such proceedings and
convictions, may be paid instead of the penalties for all the offences
committed by him before the day on which the last summons was taken
out against him.

66.
Application
of penalties.

And be it Enacted, That all penalties for any offence against the 30
Factory Act, which shall not have been otherwise appropriated at the
time when this Act shall come into force, and every penalty imposed
under this Act, shall be applied under the direction of One of Her
Majesty's Principal Secretaries of State, and shall be paid on account
of the Inspector for the district in which the penalty was imposed, to 35
such banker as shall be appointed by such Inspector to receive the
same ; and every person to whom any such penalty shall be paid shall
pay over the amount thereof to the banker so appointed within Four-
teen Days of receiving the same ; and it shall be lawful for the Secre-
tary of State to remit the whole or any part of such penalty ; and so 40
much thereof as shall not be so remitted, and not otherwise especially
appropriated by this Act, shall be applied by such Inspector, under
the direction of One of Her Majesty's Principal Secretaries of State,
in

in such manner as shall appear best for the establishment or support of day schools for the education of children employed in Factories ; and so much of an Act passed in the sixth year of the reign of his late Majesty, intituled, “ An Act to provide for the Regulation of Corporations in England and Wales,” as provides that certain penalties and forfeitures, if recovered before any Justice of any borough, having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the Treasurer of such borough, shall be repealed as to the penalties imposed under this Act.

5 & 6 Wm. 4,
c. 76.

10 And be it Enacted, That any Justice before whom any person shall be convicted of any offence against the Factory Act as amended by this Act, or any person acting as Clerk to the Justices where such conviction shall have taken place, or the Clerk of the Peace where such conviction shall have been filed, shall, upon the request
15 in writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy ; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act ; and for every such copy the Clerk shall be entitled to have a fee
20 of One Shilling, and no more.

67.
How former
Conviction
may be
proved.

And be it Enacted, That every conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and
25 in Scotland to the Clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewartry, town or place.

68.
Convictions
to be filed
amongst
Records of
County.

And be it Enacted, That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at discretion by fine or imprisonment, neither shall any conviction, except as
30 aforesaid, be removable by certiorari or bill of advocation, into any Court whatever ; and no information, conviction or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of
35 any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time, or place, where the person, time and place intended shall have been so
40 stated as to have been, in the opinion of the Justices by whom the complaint shall have been heard, clearly understood by the person charged with such offence ; and it shall not be necessary,

69.
No Appeal
from Convic-
tions, except
in certain
cases.

in any information, conviction or other proceeding under this Act, to define the processes carried on in such Factory, or nature of the power by which the machinery of such Factory is moved, or to set out that the Factory or process or employment referred to is not within any of the cases excepted, provided that it be therein stated that such Factory is a Factory within this Act; and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception. 5

70.
CLAUSE (A.)
Appeal.

And be it Enacted, That any person aggrieved by any such conviction for which an appeal is allowed by this Act, may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the day of the conviction, for the county or other jurisdiction wherein the cause of complaint shall have arisen; provided that the person so intending to appeal shall give to the Inspector or Sub-Inspector of the District notice in writing of such appeal, and of the cause and matter thereof, within Three Days after the conviction or order, and Seven clear Days at the least before such Session; and shall also enter into a recognizance, with Two sufficient sureties, before a Justice of the Peace for the county or other jurisdiction, Seven clear Days at the least before such Session, conditioned personally to appear at the said Session, and to try such appeal, and to abide the judgment of the Court thereon, and to pay such costs as shall be by the Court awarded; and the Court at such Session shall hear and determine the matter of appeal, and shall make such order thereon as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction or order, the Court shall adjudge and order the party to be punished according to the conviction, or to obey the order appealed against, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment. 10 15 20 25 30

71.
Who are to
exercise the
Powers of
Justices.

And be it Enacted, That in all cases in which a Justice of the Peace is required or empowered to do any thing under the Factory Act as amended by this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and shall exercise the same in Scotland; but no complaint preferred for any offence against this Act committed in a Factory, shall be heard by a Justice of the Peace or Burgh Magistrate, being an occupier of the Factory, or being the father, son or brother of the occupier of the Factory, in which the offence set forth in the complaint shall have been committed. 35 40

72.
Exemptions
of Silk Fac-
tories.

Provided always, and be it Enacted, That any child above Eleven Years of age employed solely in the winding and throwing of Raw Silk, and who shall have obtained the surgical certificate required by this

this Act, of his having completed his Eleventh Year, may work without any proof of having attended a school, for any time not exceeding Ten Hours on any working day, but not after Half-past Four of the clock of the afternoon of any Saturday.

- 5 And be it Enacted, That the Factory Act as amended by this Act, and this Act, shall be construed together as one Act, and that so much of the Factory Act, and of any Rule or Regulation heretofore made by any Inspector, as is inconsistent with this Act, shall be taken to be repealed, and that in this Act, unless another sense shall be plainly
- 10 shown by the context, or by some positive enactment to the contrary, the word "Child" shall be taken to mean a child under the age of thirteen years; and the words "Young Person" shall be taken to mean a person of the age of thirteen years, and under the age of eighteen years; and the word "Parent" shall be taken to mean parent, guar-
- 15 dian, or person having the legal custody of any such child or young person; and any person who shall work in any Factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process, or in any labour incident to any manufacturing process, or in cleaning any part of the factory,
- 20 or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed, notwithstanding any other description, limitation or exception of employment in the Factory Act, to be employed therein within the meaning of this Act; and the words "Inspector" and "Sub-in-
- 25 spector" shall be taken to mean respectively an inspector and a sub-inspector of factories; and the word "Agent" shall be taken to mean any person, having on behalf of the occupier of any Factory the care or direction thereof, or of any part thereof, or of any person employed therein; and the word "Month" shall be taken to mean a calendar
- 30 month; and the words "Mill-gearing" shall be taken to comprehend every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley by which the motion of the first moving power is communicated to any machine appertaining to the manufacturing processes; and the word "Factory," notwithstanding any provision or exemption
- 35 in the Factory Act, shall be taken to mean all buildings and premises situated within any part of the United Kingdom of Great Britain and Ireland, wherein or within the close or curtilage of which, steam, water, or any other mechanical power shall be used to move or work any machinery employed in preparing, manufacturing or finishing, or in any
- 40 process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any other material, or any fabric made thereof; and any room situated within the outward gate or boundary of any Factory, wherein children or young persons are employed in any process incident to the manufacture carried on in the Factory, shall be taken to be a part of the

73.
Interpreta-
tion Clause.

"Child."
"Young Per-
son."

"Parent."

Employment.

"Inspector.

"Agent."

"Month."

"Mill-gear-
ing."

"Factory."

Exception to
the term
Factory.

Factory, although it may not contain any machinery; and any part of such Factory may be taken to be a Factory within the meaning of this Act; but this enactment shall not extend to any part of such Factory used solely for the purposes of a dwelling-house, nor to any part used solely for the manufacture of goods made entirely of any other material than those herein enumerated, nor to any Factory or part of a Factory used solely for the manufacture of lace, of hats, or of paper, or solely for bleaching, dyeing, printing or calendering; and the enactments of this Act respecting the hours of labour shall not apply to any young person when employed solely in packing goods in any warehouse or part of a Factory not used for any manufacturing process, or for any labour incident to any manufacturing process; and nothing in this Act contained shall extend to any young person, being a mechanic, artisan or labourer, working only in making and repairing the machinery, or any part of the Factory. 5 10 15

Exemption
when packing
finished
Goods.

Exemption
in favour of
Mechanics.

74.
Act may be
repealed or
amended.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)—CERTIFICATES.

*(To be written or printed on white Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a CHILD to be employed in the Factory of
situated at in

do hereby certify, That of duly appointed a certifying Surgeon, No. _____
residing in son [or, daughter] of and
this day of has been personally examined by me
One thousand eight hundred and
and that the said child has the ordinary strength and appearance of a child of at least
Eight years of age, and that I believe the real age of the said child to be at least EIGHT
years; and that the said child is not incapacitated, by disease or bodily infirmity, from
working daily in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given to a child who has obtained a Certificate
of real age, shall be the same as above, omitting the words, "and that the said child has
the ordinary strength and appearance of a child of at least Eight years of age, and that
I believe the real age of the said child to be at least Eight years," and substituting these
words in their place—"and that a Certificate of the birth [or, baptism] of the said child
has been produced to me in the Form required by this Act, proving that the real age of
such child is at least Eight years."

The Form of Surgical Certificate to be given to Children employed in Silk Mills in
proof that a child is Eleven Years of age, shall be the same as the above, substituting the
word "Eleven" for the word "Eight."

*(To be written or printed on coloured Paper.)**Factories Regulation Act, Victoria, c.*CERTIFICATE of AGE for a YOUNG PERSON to be employed in the Factory of
situated at in

I, of duly appointed a certifying Surgeon, No. _____
do hereby certify, That son [or, daughter] of and
residing in has been personally examined
by me, this day of One
thousand eight hundred and and that the said young person has the ordinary
strength and appearance of a young person of at least Thirteen years of age, and that I
believe the real age of the said young person to be at least THIRTEEN years; and that the
said young person is not incapacitated, by disease or bodily infirmity, from working daily
in the above-named Factory for the time allowed by this Act.

(signed)

Certifying Surgeon.

The Form of Surgical Certificate to be given to a young person who has obtained a Certi-
ficate of real age, shall be the same as above, omitting the words, "and that the said young
person has the ordinary strength and appearance of a young person of at least Thirteen
years of age, and that I believe the real age of the said young person to be at least
Thirteen years," and substituting these words in their place—"and that a Certificate of
the birth [or, baptism] of the said young person has been produced to me in the Form re-
quired by this Act, proving that the real age of such young person is at least Thirteen years."
The

The Form of Surgical Certificate to be given in either case by any Practitioner who is not a certifying Surgeon must be the same as the corresponding Form above given, omitting the words "duly appointed a certifying Surgeon," and substituting the words "duly authorized by the University [*or, College, or other public body having authority in that behalf*] of _____ to practise Surgery [*or, Medicine*]," and making the following addition, which must be signed by a Justice of the Peace or Burgh Magistrate :—

The child [*or, young person*] named in the above-written certificate has been this day brought before me, and the appearance of the said child [*or, young person*] agrees with the description therein given ; and I believe the real age of the said child [*or, young person*] to be at least [*here insert the word "Eight" or "Eleven" in the case of a child, or "Thirteen" in the case of a young person*], years ; and I declare, that I have no beneficial interest in and am not the Occupier of any Factory, and that I am not the Father, Son or Brother of the Occupier of any Factory.

Dated this _____ day of _____ One thousand eight hundred _____
(signed) C. D., Justice,
[*or, Burgh Magistrate.*]

In every Surgical Certificate of Age, the day of the month on which it shall be granted shall be written in words and not in figures.

So soon as any Certificates, authorized by this Act to be received as proof of the age of any persons, shall be obtained by the occupier of a Factory or his agent, they shall be fixed in a book, to be called "THE AGE CERTIFICATE BOOK," in the order of the dates at which they shall have been respectively received ; and such Certificates shall be numbered in the order in which they are so fixed in the book ; but the Certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book ; and shall be marked with a series of running numbers distinct from that of the Certificates for young persons.

So soon as any Certificate of Age authorized by this Act shall be obtained, the number hereinbefore required to be set against each Certificate shall be set against the name of the child or young person for whom such Certificate has been granted, in the first column of the Register of the persons employed, required by this Act to be kept in each Factory. In any Silk Factory in which it shall be lawful to employ children above Eleven Years of age for Ten Hours a day, no certificate shall be required or proof that such children have attained the age of Thirteen Years, so long as such persons shall not work more than Ten Hours in any one day.

If a Surgeon shall have refused to grant a Certificate of Age to any child or young person, the word "Refused" shall be written in the column of the Register where the numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon,
do hereby declare, that _____ son [*or, daughter*] of _____
residing in _____ has been personally examined by me, this _____
day of _____ One thousand eight hundred and _____ and that in my
opinion the said [*child, or, young person*] has not the ordinary strength and appearance
[of a child of at least Eight years of age (*or, of a young person of at least Thirteen years of age*) or (*or, and*) is incapacitated by disease and bodily infirmity from working daily in
a Factory, for the time allowed by this Act.]

(signed) _____ Certifying Surgeon.

N. B.—The words within Brackets shall be in the hand-writing of the certifying Surgeon, who shall insert the reason of his refusal, to be either on account of deficient age, or of bodily infirmity, or both, as the case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I hereby certify, That the undermentioned child [*or, children*] employed in the Factory of _____ situated in _____ has [*or, have*] attended the School kept by me at _____ for the number of hours, and at the time on each day specified in the columns opposite to his [*her, or their*] name [*or, names*] during the week ending on Saturday the _____ day of _____, One thousand eight hundred and _____, and that the causes of absence stated are true to the best of my belief.

Best of my service.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(signed)

Schoolmaster, [*or, Schoolmistress.*]
the _____ day of _____ 18 .

Under the column headed "Time," the periods of the day that each child attends school shall be stated; as thus, from 9 to 12, or from 2 to 5, or any other time, as the case may be,—and all the children employed in the same Factory who attend school *before* One of the clock in the afternoon shall be entered together, distinct from those who attend school *after* One of the clock.

The time when each child attends school shall be stated in the column for each day, in the hand-writing of the schoolmaster, and no certificate shall be valid unless the Schoolmaster shall in his own handwriting subscribe to it his christian and surname in full.

In the case of any child who has been absent from school, the letter (A.) shall be inserted under the day or days of absence, and the cause of absence shall be inserted in the column headed "Causes of Absence," so far as the same can be ascertained; and when any day has been a holiday at the school, the word "*Holiday*" shall be entered in the column of the day.

All School Certificates, if given on loose sheets, shall, as soon as received, be fixed in a book, to be called "*THE SCHOOL CERTIFICATE BOOK,*" in the order of their respective dates. Copies of the above Forms may be bound together in a book for each Factory.

SCHEDULE (B.)—REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

LIST of Young Persons employed in this Factory.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed, insert opposite the Name the word "Left;" and when any Person completes his Eighteenth Year of Age, the word "Eighteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of every young person employed in the Factory, to be entered successively when engaged to work, whether for the first time, or after having left, when re-engaged to work.

At the beginning of this Register shall be inserted—

1. The name of the Occupier or Firm.
2. The name of the Factory, the place, township, parish and county where it is situated, and the post-office to which the Occupier desires his letters to be directed.
3. The nature of the work carried on.
4. The nature of the moving power, the whole amount of horse-power of the steam-engine or water-wheel, and also the amount of horse-power employed by the occupier or firm.
5. The clock by which the employment of the workers in the Factory is regulated.
Every alteration in any of the above particulars shall be inserted immediately after the alteration shall have been made.
6. The holidays and half-holidays which shall have been given in conformity with this Act shall be recorded together in a distinct place in this Register.
7. The dates when the whole of the Factory, if done at one time, and the several parts if done at different times, shall have been limewashed or painted in oil, and, when painted in oil, the dates of their having been washed as required by this Act, and the names and residences of the persons by whom the Factory was limewashed or painted in oil, shall be recorded in a distinct place in this Register within Six days after they have been so limewashed, painted or washed; and this declaration of the times of limewashing, painting, and washing, shall be signed by the mill-occupier or his principal agent.
8. The Visits of the Certifying Surgeon to the Factory shall be recorded in this Register in the manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no child or young person in the Factory to be examined at the time of his visit, he shall insert in this column the word "None."

† If none be granted, he shall insert the word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under 13 Years of Age are employed.

NAMES of the Children employed in this Factory before Twelve o'Clock at Noon, or THE MORNING SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Afternoon Set, the word "Changed;" or the words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

NAMES

NAMES of the Children employed in this Factory after One o'clock in the Afternoon, or
THE AFTERNOON SET.

No. of Reference to Age Certificate Book as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the word "Left;" or if transferred to the Morning Set, the word "Changed;" or the words "Young Person," when a Child completes its Thirteenth Year.
	Surname.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the names of every child under 13 years of age employed in the Factory, to be entered successively when engaged to work, whether for the first time, or, after having left, when re-engaged to work.

If any child be removed from the Morning Set to the Afternoon Set, or *vice versa*, the name of such child must be entered as a new comer in the Register for the Set to which it is removed, and the number of its Certificate of Age must be placed against its name, but no new Certificate shall be required for such child.

If the Mill Occupier desires to change the time of working of the two entire sets of children at stated periods, (as for instance) to make a change every month, so that the children who worked in the Morning one month shall work in the Afternoon the next month, and *vice versa* for the other children, alternately throughout the year, it will not be necessary to enter the names of the children anew; but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration; in addition to the other details hereinbefore required:—

1. The Children entered in this Register, as belonging to the MORNING SET, work in this Factory before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

2. The Children entered in this Register, as belonging to the AFTERNOON SET, work in this Factory after One o'clock, and not before Twelve o'clock, on and after the First Monday of the Months of—

JANUARY, MARCH, MAY, JULY, SEPTEMBER and NOVEMBER;

and before Twelve o'clock, and not after One o'clock, on and after the First Monday of the Months of—

FEBRUARY, APRIL, JUNE, AUGUST, OCTOBER and DECEMBER.

Signature of _____

Occupier or Agent.

When a change in the time of working of the two entire sets of children is made at other stated periods allowed by this Act, the necessary alterations shall be made in the above declaration, to the satisfaction of the Inspector or Sub-Inspector of the district.

In any Silk Factory in which children above Eleven Years of age are employed more than Seven Hours in any one day, a Register of the names of such children shall be kept in the above form, distinct from the Register of the names of the children who are employed in morning and afternoon sets.

In all mills where more than 20 children or young persons are employed, an ALPHABETICAL INDEX shall be kept according to the first letter of the surname, of the names of all the children and young persons employed in the Factory, adding to each name the number of the last certificate under which the age of the child or young person is employed, or, if more than 16 years of age, the letters XVI.

All the Forms contained in this Schedule (B.) which shall apply to any particular Factory, may be bound together in one book, except the alphabetical Index of Reference, hereinbefore referred to.

SCHEDULE (C).—NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the certifying Surgeon, the Clock for Regulating the Factory, and the Hours of Work of all Young Persons and Females employed in the Factory.

Name and Address of the In- }
specter of the District - - }

Name and Address of the Sub- }
Inspector of the District - - }

Name and Address of the Sur- }
geon who grants Certificates }
of Age for the Factory - - }

Clock by which the Hours of }
Work are regulated - - - }

The Hours of Work of all Young Persons and Females above Eighteen Years of Age employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hours.
	From	To	From	To	From	To	From	To	
*									

* In this space the Days of the Week to which the hours of work refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

In every Silk Factory in which children above Eleven Years of age are employed more than Seven Hours in any one day, a separate notice in the above form shall be fixed up, of the hours such children are employed.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The TIMES allowed for MEALS in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
	From	To	From	To	From	To
*						

* In this space the Days to which the meal hours refer shall be entered.

{ Signature of the Occupier of
the Factory or his Agent.

These notices of the regular Hours of Work fixed up in a Factory, are not required to be altered when young persons are only employed at other hours for the recovery of lost time as authorized by this Act, provided the notice required to be fixed up when recovering lost time, be fixed up, and provided on such notice it is stated at what time of the day it is intended to recover the time so lost.

FORM

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any part of the Time which has been lost by the Stoppage of the whole Machinery in the Factory, as allowed by this Act.

ACCOUNT OF TIME LOST AND RECOVERED.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

Signature of the Occupier of the Factory or his Agent.

No lost time is required to be entered, except such as it may be intended to recover.

The entries of all the details in this Notice relating to any time lost or recovered shall be made in conformity with the provisions in the Act.

FORM of the NOTICE to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought or Floods, and is intended to be recovered during the following Night.

NOTICE OF TIME LOST AND RECOVERED.

TIME LOST.				TIME RECOVERED.		
Description of the Room where the Stoppage took place, and of the Machinery stopped.	Time of the Day when the Stoppage took place.	Amount of Time lost.		Signature of the Person taking Time.	Time of the Night when the Young Persons are employed.	Amount of Time recovered.
		Hours.	Minutes.			Hours. Minutes.

NAMES of the FEMALES and YOUNG PERSONS who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when Time was lost.	Surname.	Christian Name.	Date when Time was lost.	Surname.	Christian Name.

The entries of time lost, and of the names of the females and young persons who have lost time, shall be made in these notices before any part of the time can be recovered.

All Notices of time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the order of their respective dates, and be open for the examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six calendar Months after the lost time entered therein shall have been recovered.

SCHEDULE (D.)—FORMS OF NOTICES, SUMMONSES AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such driving Strap or Band in the Factory, as appears to him to be dangerous to the Workers.

To (*name of Occupier*), Occupier of a (*description of the manufacture*) Factory, situated in the Parish of _____ and County of _____

I hereby give you Notice that the following parts of the Machinery in your Factory, namely (*here enumerate the parts*), appear to me to be dangerous, and likely to cause bodily injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely fenced. And I hereby further give you Notice, that, by the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided, that if, after receiving this Notice, you shall neglect or fail to fence the above-enumerated Machinery, and if any persons shall suffer any bodily injury, in consequence of such neglect or failure, you will be liable to a penalty of One Hundred Pounds, over and above all damages, costs and charges to which you may be found liable in any action brought against you by or on behalf of the person so injured.

Given under my hand, this _____ day of _____ in the Year One thousand eight hundred and _____

(signed) _____ Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS to be issued by an INSPECTOR or SUB-INSPECTOR against a Person who has committed an Offence.

County of _____ }
(*or*, Borough of)

To the Constable of _____

WHEREAS it appeareth to me, I. F., one of Her Majesty's Inspectors (*or*, Sub-Inspector) of Factories, that A. D. of _____ in the county (*or*, borough, &c.) of _____ hath offended against the Act made in the _____ year of Her Majesty's reign, intituled (*here set forth the title of this Act*); Forasmuch as he the said A. D., on the _____ day of _____ in the year of our Lord _____ at _____ in the county (*or*, borough, &c.) of _____ did (*here set forth the substance of the charge*): These therefore are to require you forthwith to summon the said A. D. to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the county (*or*, borough, &c.) of _____ who shall be present at _____ in the county (*or*, borough, &c.) of _____ on the _____ day of _____ at the hour of _____ in the _____ noon of the same day, to answer to the said charge, and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand this _____ day of _____ in the year of our Lord _____

(signed) _____ I. F., Inspector (*or*, Sub-Inspector.)

FORM of SUMMONS of a WITNESS to be issued by an INSPECTOR
or SUB-INSPECTOR.

County of }
(or, Borough of)}

To the Constable of

WHEREAS it appeareth to me, I, F., one of Her Majesty's Inspectors (or, Sub-Inspector) of Factories, that A. D. of in the county (or, borough, &c.) of hath offended against the Act made in the year of Her Majesty's reign, intituled (*here set forth the title of the Act*); Forasmuch as he the said A. D., on the day of in the year of our Lord at in the county (or, borough, &c.) of did (*here set forth the substance of the charge*), and that B. P. of in the county (or, borough, &c.) is a material Witness to be examined concerning the said charge: These therefore are to require you forthwith to summon the said B. P. to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the county (or, borough, &c.) of as shall be present at in the county (or, borough, &c.) of on the day of at the hour of in the noon of the same day, to testify his knowledge concerning the premises. And be you then there to certify what you have done in the premises. Herein fail not.

Given under my hand, this day of in the year of our Lord
(signed) I. F., Inspector (or, Sub-Inspector.)

FORM OF CONVICTION.

County of } BE it Remembered, That on the day of
(Liberty or Borough, } in the year One thousand eight hundred and A. B.
as the case may be.) (*describe the offender*) is convicted before us, J. P., and K. Q., two of
Her Majesty's Justices of the Peace for the county (liberty or borough, *as the case may be*),
of in pursuance of an Act passed in the year of the reign of Queen
VICTORIA, intituled, (*here insert the title of this Act*), for that he (*describe the offence*.)

Given under our hands and seals the day and year above written.

J. P.

L. S.

K. Q.

L. S.

(No. 2.)

Factories.

A

B I L L

[AS AMENDED BY THE COMMITTEE, AND
ON REPORT,]

To amend the Laws relating to Labour in
Factories.

(Prepared and brought in by
Sir James Graham and Mr. Manners Sutton.)

*Ordered, by The House of Commons, to be Printed,
7 May 1844.*

247.

Under 8 oz.



A

B I L L,

To regulate the Labour of Children in the Calico Print-Works
of Great Britain and Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

WHEREAS it is the practice of the owners of works, Preamble.
commonly called Calico Print-Works, for printing, dying,
bleaching or calendering Calico, Linen or Woollen Fabrics, to keep the
young persons of both sexes and women in their employ, at work for a
5 great number of hours and late at night, and in some instances all night,
and it has become necessary to make some regulations for preserving the
health and morals of such young persons, and for providing for their edu-
cation, and for preventing women from being employed at night, and for
that purpose it is desirable that certain of the provisions contained in an
10 Act passed in the Session of Parliament held in the third and fourth
years of the reign of his Majesty King WILLIAM the Fourth, intituled,
“An Act to regulate the Labour of Children and Young Persons in the
Mills and Factories of the United Kingdom,” and in a certain other
Act passed in the seventh year of the reign of Her present Majesty,
15 intituled, “An Act to amend the Laws relating to Labour in
Factories,” (and which two Acts are hereinafter called the Factory
Acts) should be extended to young persons, and also to women
employed in such works; **B**E it therefore Enacted, by The
QUEEN’s most Excellent MAJESTY, by and with the Advice
20 and Consent of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the Authority of the same,
THAT for the purposes of this Act (unless a contrary sense is plainly
shown by the context), the word “Print-Works” shall be taken to
mean any factory, building or other establishment in any part of the

1.
Construction
of Terms.

United Kingdom of Great Britain and Ireland, and every part of any such factory, building or other establishment in which is carried on the process of printing, dying, bleaching or calendering any Cotton, Linen or Woollen fabric; and the word "Parent" shall be taken to mean parent, guardian, or person having the legal custody of any infant; and any person who shall work in any Print-Works, whether for wages or not, or as a learner or otherwise in printing, dying, bleaching or calendering any Cotton, Linen or Woollen fabrics, or in finishing or preparing for sale any such fabric after the printing, dying, bleaching or calendering thereof, shall be deemed to be employed therein. 5 10

2.
Children
under Eight
Years of Age
not to be
employed.

And be it Enacted, That after the *First* day of *October One thousand eight hundred and Forty-six* no child under the age of *Eight* Years shall be employed in any Print-Works.

3.
Limiting
working
Hours of
Children
under
Thirteen
Years of Age.

And be it Enacted, That after the said *First* day of *October One thousand eight hundred and Forty-six* no child under the age of *Thirteen* Years shall be employed in any Print-Works for more than *Eight* Hours in any one day when employed for more than *Three* Days in any one week, nor for more than *Twelve* Hours in any one day when employed for *Three* or less than *Three* Days in any one week: Provided always, That no such last-mentioned child shall be employed for more than *Eight* Hours per day on any *Two* consecutive days, nor on any Saturday after *Four* of the clock in the afternoon; and every child shall be deemed to be employed during the whole time that he or she is present in or upon any Print-Works without further proof of actual employment. 15 20 25

4.
Children and
Females not
to be em-
ployed during
the Night.

And be it Enacted, That after the *First* day of *October One thousand eight hundred and Forty-five* no child under the age of *Thirteen* Years, nor any female of any age, shall be employed in any Print-Works during the night; and for the purposes of this Act the night shall be taken to commence at *Ten* of the clock in the afternoon, and to end at *Six* of the clock in the forenoon, between the *First* day of *April* and the *Thirtieth* day of *September*, both inclusive, and to commence at *Nine* of the clock in the afternoon, and to end at *Five* of the clock in the forenoon between the *First* day of *October* and the *Thirty-first* day of *March*, both inclusive. 30 35

5.
Owners of
Factories to
send parti-
culars con-
nected there-
with to
Inspectors of
Factories.

And be it Enacted, That after the *passing of this Act*, every person at the time of the passing of this Act carrying on business at any Print-Works shall, within *One calendar Month* next after the passing of this Act, send a written notice addressed to the office of the Factory Inspectors, London, containing the name of such factory or other place, together with the place, township or parish and county where the same is situated, the post-town to which he desires his letters to be addressed, the nature of the work, and the name of the firm under which such business 40

business is to be carried on ; and any persons beginning to carry on such business after the passing of this Act shall, within *One calendar Month* after so beginning to carry on such business, send such notice as is lastly hereinbefore provided.

5 AND whereas by the said Factory Acts, or one of them, it was enacted and provided, that certain Inspectors of Factories, to be appointed as therein mentioned, and certain persons to be appointed to
 10 superintend the execution of the provisions of the said Acts, under the direction of an Inspector, as therein mentioned, and hereinafter called Sub-Inspectors, should have certain powers and privileges therein mentioned for enforcing the execution of the said Acts, and should perform
 15 and execute certain duties and functions, and enjoy certain exemptions and privileges, as therein mentioned ; NOW be it Enacted, That the said Inspectors and Sub-Inspectors of Factories shall, after the *passing of this Act*, have, enjoy and exercise such and the same powers, rights,
 20 duties and privileges with respect to all Print-Works, and the occupiers thereof, and the persons employed therein, and all matters relating thereto, for the purpose of carrying the provisions of this Act into effect, as such Inspectors and Sub-Inspectors now have, enjoy and exercise,
 25 or are required or empowered to exercise, under and by virtue of the said Factory Acts, or either of them, in respect of any Factories within the provisions of the said Acts, or the occupiers thereof, or the persons employed therein, including the provisions in the said Factory Acts, or either of them contained, as to the validity of notices to be given by
 any Inspector as therein mentioned, and as to the competency of any
 Inspector or Sub-Inspector to be a witness in any action or suit, so far as the same are applicable to Print-Works, and the occupiers thereof, and persons employed therein under the provisions of this Act.

6.
 Extending powers of Inspectors of Factories to Print-Works.

30 And be it Enacted, That registers shall be kept in the Print-Works to which they relate by the occupier of every Print-Works, according to the forms and directions in the said Act of the seventh year of the reign of Her Majesty contained with reference to the registers thereby required to be kept, so far as, in the opinion of one of Her Majesty's Principal Secretaries of State, the same are applicable to the subject-matter of this Act.

7.
 Registers to be kept.

35 And be it Enacted, That such Abstract of this Act as shall be directed by one of Her Majesty's Principal Secretaries of State, and notices of the names and addresses of the Inspector and Sub-Inspector of the district, and of the clock by which the hours of work are regulated, and of the times of beginning and ending daily work of all
 40 persons employed whose time is regulated by this Act, written or printed in legible characters, shall be fixed or hung up at the entrance of every Print-Works where they may be easily read by the persons

8.
 Abstract of Act, &c. to be affixed at entrance of Print-Works.

employed therein, and in such other places as the Inspector or Sub-Inspector of the district may direct, and every particular notice shall be signed by the occupier of every Print-Works or his agent.

9.
Children
under
Thirteen
Years of Age
to attend
School.

And be it Enacted, That after the said *First* day of *October One thousand eight hundred and Forty-six*, except in cases of sickness or 5
other unavoidable cause, to be certified by the schoolmaster, as herein-
after mentioned or referred to, every child under the age of *Thirteen*
Years employed in any Print-Works as aforesaid who shall be employed
during not more than *Eight* Hours per day in any one week, shall
attend some school for the space of *Two* Hours, between the hours of 10
Eight of the clock in the morning and *Six* of the clock in the evening
every working day in such week; and every such child who shall be
employed during more than *Eight* Hours per day in any one week
shall attend some school for the space of *Three* Hours between the 15
hours aforesaid every working day in such week on which he or she
shall not be employed, such school to be appointed by the parents
of such child, or by any Inspector in case the parents shall omit to
appoint, or in case there shall be no parents, and the occupier of
every Print-Works in which every such child shall be employed
shall, when required by the Inspector for the district, pay to the school- 20
master of such child, or to such other person as the said Inspector
may direct towards the expenses of educating such child, such sum
as the said Inspector may require, not exceeding *Two-pence* per week,
and shall be entitled to deduct from the wages payable to such child
any such sum as he shall have been required to pay for such expenses, 25
not exceeding the rate of *One-twelfth* part of the weekly wages of
such child; and that all the provisions and regulations respecting
schoolmasters' tickets, vouchers and certificates, and the allowing or
annulling thereof, and as to appealing against any such annulment,
and as to the disallowing or withholding the order for any payment 30
or any salary to any schoolmaster or schoolmasters now in force
under the Acts aforesaid, shall in all respects be applicable to the
subject of the school attendance of the children employed at any
Print-Works within the provisions of this Act.

10.
Penalty for
employing
Children
under
Thirteen
Years' with-
out Certifi-
cate.

And be it Enacted, That any person who shall be convicted of 35
having employed any child or woman in any manner contrary to the
provisions of this Act, or of employing any child under the age of
Thirteen Years, without having obtained a certificate from a school-
master or school-mistress where such certificate is required by law,
such person (not being the parent or husband, or having any direct 40
benefit from the wages of such child or woman) shall for every such
offence be adjudged to pay a penalty of not less than *Twenty*
Shillings, and not more than *Three Pounds*, for each child so illegally
employed: Provided always, That if the offence shall be the employ-
ment

ment of any such child or woman during the night, the penalty shall be not less than *Forty Shillings*, nor more than *Five Pounds*.

And be it Enacted, That the parent or husband, and every person having any direct benefit from the wages of any child or woman employed in any manner forbidden by this Act, or who shall neglect to cause any child under the age of *Thirteen Years* to attend school as hereinbefore provided, shall be liable to a penalty of not less than *Five Shillings*, and not more than *Twenty Shillings*, for each offence, unless it shall appear to the Justices before whom the complaint is preferred that such offence has been committed without the consent, connivance or wilful default of such parent, husband or other person so benefited as aforesaid.

11.
Penalty on
Parents for
allowing
Children to
neglect
School.

And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-Inspector in the execution of any of the powers intrusted to him by virtue of this Act, shall be liable for each offence to a penalty of not less than *Three Pounds*, and not more than *Five Pounds*.

12.
Penalty for
obstructing
Inspectors in
execution of
their duty.

And be it Enacted, That every occupier of a Print-Works in which an Inspector or Sub-Inspector shall be obstructed in the night, by any attempt to prevent his making a full and complete examination of all parts of the Print-Works, and of every person employed therein, shall be liable to a penalty of not less than *Twenty Pounds*, and not more than *Fifty Pounds*.

13.
Penalty for
obstructing
Inspectors at
Night.

And be it Enacted, That every person convicted of making, giving, signing, countersigning, counterfeiting or making use of any certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at making any false or counterfeited certificate, or any false entry in any register, or any other account, paper or notice required by or by virtue of this Act, and also every person convicted of wilfully making and signing a false declaration in any proceedings under this Act, shall be liable to a penalty of not less than *Five Pounds*, and not more than *Twenty Pounds*, or to be imprisoned for any time not exceeding *Six calendar Months* in the House of Correction, in the county, town or place where the offence was committed.

14.
Penalty for
giving or
using untrue
Certificates.

And be it Enacted, That the penalty for any offence against this Act, for which no special penalty is herein provided, shall be any sum not less than *Two Pounds*, and not more than *Five Pounds*.

15.
Penalty in
cases where
no special
Penalty is
provided.

And be it Enacted, That every person who shall be convicted twice within *Twelve calendar Months* for an offence of the same kind

16.
Penalty for
second
Offences.

against this Act, shall pay for the second offence any sum not less than *One-half* of the highest penalty for that offence ; and if convicted *Three* times within *Twelve* calendar Months for an offence of the same kind, shall pay not less than *Two-thirds* of the highest penalty ; and if convicted more than *Three* times within *Twenty-four* calendar Months for an offence of the same kind, shall pay the highest penalty ; but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offence shall have been committed after a complaint has been made for the previous offences ; and in any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than *One hundred Pounds*, the sum of *One hundred Pounds*, together with all the reasonable costs and charges of such proceedings and convictions, may be paid, instead of the penalties for all offences committed by such person before the day on which the last summons was taken out against him or her.

17.
In cases of
repetition of
Offences.

Provided always, and be it Enacted, That no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty herein appointed for such offence, unless such repetition of offence shall have been committed after a complaint shall have been made for the previous offence ; but the offence of employing Two or more children or women contrary to law, shall be considered a repetition of the same kind of offence within the meaning of this provision.

18.
Extending to
this Act the
Provisions of
recited Act.

And be it Enacted, That all and singular the enactments, provisions and directions contained in the said Act of the seventh year of the reign of Her present Majesty, with respect to the persons liable to penalties or punishments for offences against the said Act, and the manner of proceeding against such persons, and the mode of proof of such offences, and the time within which complaints of such offences must be made, and the persons before whom such offences may be tried, and the manner of levying and recovering any penalties, and the costs and charges of any proceedings against any offender under the said Act ; and with respect to the issuing of summonses for compelling the attendance of witnesses and parties, and the production of such registers, papers and notices as therein mentioned, and with respect to the form of and the manner of serving any such summons, and as to the application of penalties, and the proof of former convictions, and the filing of convictions, and as to appeals for any convictions, shall be taken in all respects to apply to offences against this Act, and the proceedings consequent thereupon, and the penalties or punishments hereby appointed for such offences in all respects as if the

the provisions and enactments of this Act formed part of the enactments of the said Act of the seventh year of the reign of Her Majesty.

5 And be it Enacted, That the enactments of this Act respecting the hours of labour shall not apply to any person employed solely in packing goods in any warehouse or part of a Print-Works not used for any process connected with printing, dying, bleaching or calendering, nor to any person being a mechanic, artisan or labourer working only in making or repairing the machinery or any part of the works.

19.
Provisions
respecting
Labour not to
apply to
Persons
packing
Goods.

10 And be it Enacted, That this Act shall be deemed and taken to be a Public Act ; and shall be judicially taken notice of as such, by all Judges, Justices and others.

20.
Public Act.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

21.
Act may be
amended
during pre-
sent Session.

Calico Print-Works.

A

B I L L

To regulate the Labour of Children in the
Calico Print-Works of Great Britain and
Ireland.

(*Prepared and brought in by*
Lord Ashley, Mr. Cowper, and Mr. Wallace.)

Ordered, by The House of Commons, to be Printed
12 March 1845.

116.

Under 1 oz.



A

B I L L

[AS AMENDED ON SECOND RE-COMMITMENT]

To regulate the Labour of Children in the Calico Print-
Works of Great Britain and Ireland.

WH **H**EREAS it is expedient to regulate the Labour of Chil- Preamble.
dren, Young Persons, and Women in Print Works; **B**E it
Enacted, by The QUEEN's most Excellent MAJESTY, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons in this present Parliament assembled, and by the Authority of the
same, THAT this Act shall take effect from and after the First day of
January in the year One thousand eight hundred and Forty-six, except
any provisions for the taking effect of which any other time shall be
hereinafter specially limited; all which last-mentioned provisions shall
take effect from and after such time as shall be hereinafter specially
mentioned in that behalf.

1.
Commence-
ment of Act.

And be it Enacted, That in this Act, unless another sense shall be
plainly shown by the context, or by some positive enactment to the
contrary, the words "Print Work" shall be taken to mean any
building or shed, and any part thereof, within which any persons
are employed to print figures, patterns or designs by means of blocks
or cylinders, or by means of any other tool, instrument or mechanism,
upon any woven fabric of cotton, wool, hair, fur, silk, flax, hemp or
jute, either separately or mixed together, or mixed with any other
material; or upon any felted fabric of wool or fur, either separately or
mixed with any other material; or upon any cotton, linen, woollen,
worsted or silken yarn; and the words "incidental printing process"
shall be taken to mean any process of preparing, dying, bleaching,
cleaning,

2.
Interpreta-
tion Clause:

"Print
Work."

"Incidental
Printing
Process."

cleaning, calendering, dressing or finishing incident or necessary to the completion of the chief process of printing figures, patterns or designs upon any of the aforesaid materials, and carried on within buildings, sheds, fields or portions of ground lying adjacent to each other, or forming a part or parts of the establishment where the chief process of printing as aforesaid is carried on; and the word "child" shall be taken to mean a child under the age of thirteen years; and the words "young person" shall be taken to mean a person of the age of thirteen years, and under the age of sixteen years; and the word "parent" shall be taken to mean parent, guardian or person having the legal custody of any such child; and any word denoting the "masculine gender" and "singular number" shall be taken to include a female as well as a male, and any number of persons; and any person who shall work in any Print Work, whether for wages or not, or as a learner or otherwise, either in printing or in any incidental printing process, or in cleaning any part of the Print Work, or in cleaning any block, cylinder, tool or machine used therein, or in any other kind of work whatsoever, save in the cases hereinafter excepted, shall be deemed to be employed therein within the meaning of this Act; and the word "Inspector" and "Sub-inspector" shall be taken to mean respectively an Inspector and Sub-inspector of Print Works; and the word "agent" shall be taken to mean any person having on behalf of the occupier of any Print Work the care or direction thereof, or of any part thereof, or of any person employed therein; and the word "month" shall be taken to mean a calendar month; and the word "day" shall be taken to mean from Five of the clock in the morning until Nine of the clock in the evening of the same day; and the word "night" shall be taken to mean from Nine of the clock in the evening of any one day until Five of the clock of the next following morning; and any part of such Print Work may be taken to be a Print Work within the meaning of this Act; but this enactment shall not extend to any part of such buildings used solely for the purposes of a dwelling-house; and nothing in this Act contained shall extend to any person being a mechanic, artisan or labourer working only in making or repairing the machinery or any part of the Print Work.

"Child."

"Young Person."

"Parent."

"Masculine Gender," and "Singular Number."

"Employment."

"Inspector" and "Sub-inspector."
"Agent."

"Month."
"Day."

"Night."

Exception to the term "Print Work."

Exception in favour of Mechanics.

3.
Inspectors and Sub-inspectors.
3 & 4 Will. 4, c. 103.

7 & 8 Vict., c. 15.

And be it Enacted, That the Inspectors and Sub-inspectors of factories appointed or to be appointed by virtue of an Act passed in the fourth year of the reign of his late Majesty, intituled, "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom," and of another Act passed in the seventh year of the reign of Her Majesty, intituled, "An Act to amend the Laws relating to Labour in Factories," shall respectively be Inspectors and Sub-inspectors for carrying into effect the powers, authorities and provisions of this Act.

And

And be it Enacted, That every Inspector and Sub-inspector shall have power to enter every part of any Print Work at any time, by day or by night, when any person shall be employed therein, and to enter by day any place which he shall have reason to believe to be a Print Work, and to enter any school in which children employed in Print Works are educated, and at all times to take with him into any Print Work the certifying Surgeons of the district hereinafter mentioned, and any constable or other peace-officer whom he may need to assist him, and shall have power to examine, either alone or in the presence of any other person, as he shall think fit, every person whom he shall find in a Print Work or in such a school, or whom he shall have reason to believe to be or to have been employed in a Print Work within Twelve Months next preceding the time when he shall require him to be examined touching any matter within the provisions of this Act; and the Inspector or Sub-inspector may, if he shall see fit, require such person to make and sign a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-inspector shall have power to examine the registers, certificates, notices and other documents kept in pursuance of this Act; and every person who shall refuse to be examined as aforesaid, or who shall refuse to sign his name or affix his mark to a declaration of the truth of the matters respecting which he shall have been examined, or who shall in any manner attempt to conceal or otherwise prevent any child or other person from appearing before or being examined by an Inspector or Sub-inspector, or who shall prevent or knowingly delay the admission of an Inspector or Sub-inspector to any part of a Print Work or school, or shall prevent an Inspector or Sub-inspector from examining any register, certificate, notice, or other document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-inspector in the execution of the powers entrusted to him.

4.
Power of
Inspectors
and Sub-
inspectors.

And be it Enacted, That every Inspector shall keep full minutes of all his visits and proceedings, and shall report the same to one of Her Majesty's Principal Secretaries of State Twice in every year, and oftener if required, and shall report the state and condition of the Print Works, and of the persons employed therein whose labour is regulated by this Act, and whether such Print Works are conducted according to the provisions of this Act.

5.
Inspectors to
report.

And be it Enacted, That every person carrying on business at any Print Work shall, within One Month next after the passing of this Act, or within One Month after beginning to carry on such business, send a written notice addressed to the office of the Factory Inspectors, London, containing the name of such Print Work,

6.
Owners of
Print Works
to send par-
ticulars
connected
therewith to
Inspectors of
Factories.

together with the place, township or parish and county where the same is situated, the post-town to which he desires his letters to be addressed, the nature of the work, and the name of the firm under which such business is or is to be carried on.

7.
Appointment
of certifying
Surgeons.
7 Vict. c. 15.

And be it Enacted, That the certifying Surgeons appointed, or to be appointed, by virtue of the said Act of the seventh year of the reign of Her Majesty, shall be certifying Surgeons for carrying into effect the powers, authorities and provisions of this Act. 5

8.
Form of
Surgical Cer-
tificate.

And be it Enacted, That the certificates of age required by this Act, herein called Surgical Certificates, shall be given according to the form and directions contained in the Schedule (A.) annexed to this Act; and the name of every person for whom a surgical certificate is required by this Act, and the date of the first day of employment or re-employment of such person, shall be registered in the form and according to the directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such person in a Print Work. 10 15

9.
Certificates
not given by
certifying
Surgeon must
be by Persons
duly autho-
rized, and
countersigned
by a Magis-
trate.

And be it Enacted, That no such Surgical certificate given by any person who is not an appointed certifying Surgeon shall be of any force, unless it is given by a person duly authorized by an University or College, or other public body having authority in that behalf, to practise Surgery or Medicine, and countersigned, according to the form and directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace, not being the occupier of a Print Work, and not being the father, son or brother of the occupier of a Print Work; and no person shall countersign any such surgical certificate in the absence of the person named therein, or without proof that the person brought before him is the same to whom the certificate was granted. 20 25

10.
Surgical Cer-
tificates to be
given at the
Print Work.

And be it Enacted, That no person shall grant any surgical certificate required by this Act, except upon personal inspection of the person named therein; and no certifying Surgeon shall examine any person for the purposes of this Act, or sign or issue any such surgical certificate, elsewhere than at the Print Work where such person is to be employed, unless for special cause, to be allowed by an Inspector; and if a certifying Surgeon shall refuse to grant a certificate of age any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying under his hand the reasons for such refusal, in the form and directions given in the Schedule (A.) to this Act annexed. 30 35 40

11.
Agreement
between
Occupier of a
Print Work
and certifying
Surgeon.

And be it Enacted, That if the occupier of a Print Work shall agree in writing with the certifying Surgeon of a district for the pay-ment

ment to be made by the occupier of the Print Work to the certifying Surgeon for the examination of persons for whom surgical certificates are required by this Act, and if the terms of such agreement shall be in conformity with such regulations for the guidance of the Surgeons as shall be made by the Inspector of the district, and shall be countersigned by the Inspector in token of such conformity, all penalties which may be incurred by any party for breach of such agreement may be recovered, as other penalties under this Act may be recovered, and shall be applied as other penalties under this Act are directed to be applied, and no such agreement shall be liable to any Stamp Duty.

And be it Enacted, That an Inspector shall fix the amount of fees to be paid by the occupier of a Print Work, and the times when such fee shall be paid to the certifying Surgeon, and also the times when such certifying Surgeon shall visit a Print Work, provided he shall be required to fix such fees and visits by the occupier of a Print Work, and the fees so to be fixed by the Inspector shall not in any case where the Surgeon shall examine more than one person exceed One Shilling for each person who shall be presented to him at the Print Work by the occupier thereof, or his agent, to be examined, together with Sixpence for every Half Mile that the distance of the Print Work from the residence of such Surgeon shall exceed One Mile, and such fees, including mileage, shall not be less than One Shilling, and shall in no case exceed Five Shillings for any One Visit, except when upon such visit the certifying Surgeon shall examine for the said certificates of age more than Ten Persons who may be brought before him as aforesaid, in which case he shall receive Sixpence for each person that he may so examine, instead of all other fees, and in any case where a Print Work is situated within the distance of One Mile from the residence of a certifying Surgeon, the fee for such Print Work shall not exceed Two Shillings and Sixpence for each visit, except when at any One Visit he shall examine for the said certificates of age more than Five Persons who may be brought before him as aforesaid, in which case he shall receive Sixpence for each person that he may so examine, instead of all other fees, and no certifying Surgeon shall receive more than Sixpence for any certificate which he may be allowed by an Inspector, as hereinbefore provided, to sign or issue otherwise than at the Print Works where the person is to be employed; and the occupier of any Print Work shall pay such fees to the certifying surgeon at the time of signing such certificates, or at any other time when he may be directed by the Inspector to do so; and the occupier of such Print Work may deduct the fee, or any part thereof, not exceeding in any one case the sum of Three-pence, from the wages of the person for whom the certificate may have been granted; but in any case where such agreement as aforesaid has been executed between an

12.
Inspector
may fix
Surgeon's
Fees.

occupier of a Print Work and the certifying Surgeon; the amount named in such agreement shall be instead of the fees fixed by any Inspector in virtue of this Act: Provided always, That no certifying Surgeon shall be required to visit any Print Work situated within Three Miles of his residence oftener than once in each week, or to visit any Print Work situated at a greater distance than Three Miles oftener than once in every fortnight, unless with the consent of the occupier of the Print Work. 5

13.
Inspectors
and Sub-
Inspectors
may annul
Certificates.

And be it Enacted, That every Inspector and Sub-Inspector may annul any surgical certificate granted under this Act, by writing across 10 the surgical certificate the word "Annulled," with his name and the date of annulling such certificate; provided that in either case he shall have reason to believe the real age of the person mentioned therein to be less than that mentioned in the certificate, or provided the certifying Surgeon of the district shall, upon reference made to 15 him, deem such person to be then of deficient health or strength, or by disease or bodily infirmity incapacitated for labour, or liable to be injured by continued employment; and no certificate so annulled shall be valid in respect of the person named therein for the purposes of this Act from the day when the certificate shall have been so annulled; 20 and the production of the certificate shall be evidence that the certificate was annulled on the day so stated.

14.
Certificates
of real Age
may be
obtained.

And be it Enacted, That in case any person shall be desirous of proving the real age of any person for whom a certifying surgeon shall have refused to grant a certificate of age for the purposes of 25 this Act, or whose surgical certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on demand, give to such person a requisition under his hand, in a Form to be approved of by the Inspectors and by the Registrar General, for the production of a duly certified copy of the entry of the birth or baptism 30 of such person; provided the party demanding the same shall declare the names of such person and of his parents, with the place where and the year in which he was born or baptized, which particulars shall be set forth in the requisition; and every party to whom such requisition shall have been given shall be entitled, upon payment of One Shilling, 35 to receive, on personal application, or on application in writing, in such form and under such regulations as shall be approved of by the Inspectors and Registrar General, from any Minister, Registrar, or other person having the care of any Register of Births or Baptisms in which the birth or baptism of such person is entered, a duly certified 40 copy of the entry in such Register, which shall be indorsed on the aforesaid requisition, and shall be signed by the Minister, Registrar or other person having charge of such Register; and such payment of One Shilling shall be instead of all other fees or payments to which such

- such Minister, Registrar or other person shall be entitled; and if the said certified copy proving the age of the person named therein to be such as to entitle him to have the surgical certificate required shall be produced to the certifying Surgeon of the district, he shall examine
- 5 the same, and if it shall appear to him that the said certified copy has not been altered or falsified in any manner, the certifying Surgeon shall thereupon, without further fee or reward, give a surgical certificate in the Form provided for that case in Schedule (A.) to this Act annexed, and shall write the word "Examined" upon the certified
- 10 copy of the entry of the birth or baptism which he shall have received, with his signature, and the date of such signature, and shall send such certified copy by the post to the Sub-Inspector of the district, who shall send a receipt for the same by post to the said Surgeon, and shall keep such certified copy of the entry of the birth or baptism, for
- 15 future reference, if necessary; and if any Inspector shall require a certified copy of the entry of the birth of any person employed in any Print Work from the office of the Registrar General, he, or any person deputed by him, shall, on producing a requisition in the form hereinbefore provided, be entitled to examine the Indexes to
- 20 the Registers in the General Register Office, and to receive such certified copy indorsed on the requisition without the payment of any fee; but no certified copy of the entry of any birth or baptism issued in consequence of any such requisition hereinbefore provided shall be admissible in evidence in any court or for any purpose, save for the
- 25 purposes of this Act: Provided always, That in those cases in which a surgical certificate shall have been refused or annulled in consequence of deficient health or strength, or by reason of disease or bodily infirmity, the Inspector or Sub-Inspector shall not sign the requisition hereinbefore mentioned, and such person shall not be employed on
- 30 proof of real age only.

And be it Enacted, That before employing any person requiring a surgical certificate under this Act, the occupier of the Print Work shall obtain the surgical certificate, save as hereinafter excepted, and shall keep, and be bound to produce every such certificate, when

35 required, to the Inspector or Sub-Inspector; and no surgical certificate shall be valid except for employment at the Print Work for which it was originally granted, or, if granted by a certifying surgeon, at any other Print Work in the occupation of the same person who is occupier of the Print Work for which the certificate was originally granted,

40 provided such other Print Work be in the district of the certifying surgeon who granted the certificate, and the certificate be produced in the Print Work where the person named in the certificate is at work; and the certifying surgeon, as often as he shall visit a Print Work for the purpose of granting certificates, shall enter in the register of children the date of his visit, and the other particulars set forth in

15.
Certificates
to be obtained
before the
Person is
employed,
and to serve
only for one
Print Work.

the form and according to the directions given in Schedule (B.) to this Act annexed.

16.
Surgical
Certificates
may be dis-
pensed with
for Seven or
Thirteen
Days.

Provided always, and be it Enacted, That no occupier of any Print Work shall be liable to any penalty for employing any person in any manner not contrary to the other provisions of this Act, without a surgical certificate, for any time not exceeding Seven working Days, or when the certifying Surgeon shall reside more than Three Miles from the Print Work, for any time not exceeding Thirteen working Days, provided all surgical certificates for that Print Work be granted only by the certifying Surgeon appointed for that Print Work; but this enactment shall not be construed to authorize the employment of any person in respect of whom the certifying Surgeon shall have refused to grant such surgical certificate.

17.
Surgical
Certificates
to be proof
of Age.

And be it Enacted, That every surgical certificate given under this Act, and which shall not have been annulled, shall be evidence in the first instance of the age of the person named therein, but shall not protect any person, knowing such person to be of less than the age certified, from any penalty for employing or conniving at the employment of such person otherwise than is allowed by this Act; and in every proceeding on any information or complaint for employing any person contrary to this Act a declaration in writing, by the certifying Surgeon of the District, that he has personally examined such person, and believes him to be under such age as shall be set forth in such declaration, shall be evidence, in the first instance, until the contrary shall be made to appear that such person is under the age mentioned in such declaration.

18.
Proof of Age
of Persons
alleged to be
Sixteen.

And be it Enacted, That if any Inspector or Sub-Inspector shall make a complaint before a Justice of the Peace, that the real age of any person who is employed in a Print Work without a surgical certificate, is less than Sixteen, the occupier of the Print Work in which such person is employed shall be liable to the penalties for employing persons for whom a Surgeon's certificate is required by law without the proper surgical certificate, unless upon the proceeding for the enforcement of such penalties he shall prove, by an extract from a legal register of birth or baptism, that the said person had completed his sixteenth year of age.

19.
Children
under the age
of Eight Years
not to be em-
ployed.

And be it Enacted, That after the First day of January One thousand eight hundred and Forty-six, no child under the age of Eight Years shall be employed in any Print Work.

20.
Surgical Cer-
tificates for
Children.

And be it Enacted, That no Child shall be employed in a Print Work (save in the cases hereafter excepted), until the occupier thereof shall have obtained a Surgeon's certificate, according to the form and

and directions given in the Schedule (A.) to this Act annexed, in proof that such child has the ordinary strength and appearance of a child of at least Eight years of age, and is not incapacitated by disease or bodily infirmity from working daily in a Print Work, as allowed by this Act.

And be it Enacted, That no young person shall be employed in a Print Work (save in the cases hereafter excepted), until the occupier thereof shall have obtained a surgical certificate according to the form and directions given in the Schedule (A.) to this Act annexed, in proof that such young person has the ordinary strength and appearance of a young person of at least Thirteen years of age, and is not incapacitated, by disease or bodily infirmity, from working in a Print Work, as allowed by this Act.

21.
Surgical Cer-
tificates for
young
Persons.

And be it Enacted, That after the First day of January One thousand eight hundred and Forty-six, no child or female shall be employed in any Print Work during the night.

22.
Children and
Females not
to be em-
ployed in the
Night.

And be it Enacted, That after the First day of July One thousand eight hundred and Forty-six, the parent or person having any direct benefit from the wages of any child employed or intended to be employed in a Print Work shall cause such child to attend some school for at least Fifty Days, together or separately, exclusive of Sundays, during the half year between the First day of January and the Thirtieth day of June, both days inclusive ; and in like manner for Fifty Days during the half year between the First day of July and the Thirty-first day of December, both days inclusive, in each year, during any part of which it shall be employed in a Print Work, such attendance being for at least Three Hours on each day after the hour of Eight of the clock in the morning and before the hour of Six of the clock in the evening.

23.
Children to
attend School.

And be it Enacted, That so soon as a child shall be employed in a Print Work, the parent or person having direct benefit from the wages of such child, shall notify to the occupier of the Print Work the school which such child is to attend during the time it is employed in such Print Work, and the occupiers of the Print Work shall enter in the register of children hereinafter required to be kept, the name of the schoolmaster and the situation of the school so notified to him ; and the parent or person having direct benefit from the wages of such child, shall provide a school certificate book, according to the form and directions given in the Schedule (A.) annexed to this Act, and shall deliver the same to the master of the school which such child is to attend, and the said master shall enter therein, week by week, the attendance or absence of such child during that week, and shall produce such certificate book, while in his custody, to the Inspector

24.
Registry of
School At-
tendance.

or Sub-Inspector of the district when required; and the master of any school, which shall be attended by children employed in a Print Work, shall keep a register of their names and attendance, and if the Inspector of the district shall disapprove of the form of register adopted by the schoolmaster, it shall be kept in such other form as the Inspector shall direct. 5

25.
Occupiers of
Print Works
to obtain
certificates
of Children's
School attend-
ance.

And be it Enacted, That after the First day of July One thousand eight hundred and Forty-six, the occupier of every Print Work shall, before employing any child therein, obtain from a schoolmaster a certificate according to the form and directions given in the Schedule (A.) to this Act annexed, that such child had attended school for at least Fifty Days, as required by this Act, during the half year ending on the Thirtieth day of June, or Thirty-first day of December next before the beginning of such employment, and the like certificate at the beginning of each following period of Six Months during which the employment of such child shall be continued in that Print Work; and such occupier shall keep every such certificate so long as such child shall continue in his employment for Twelve Months after the date thereof, and shall produce the same to any Inspector or Sub-inspector when required during such period. 10 15 20

26.
Inspector may
by notice
annul the
certificate of
any School-
master found
unfit.

And be it Enacted, That if an Inspector, on his personal examination, or on the report of a Sub-inspector, shall be of opinion that any Schoolmaster who grants certificates of the school attendance of children employed in a Print Work is unfit to instruct children, by reason of his incapacity to teach them to read and write, from his gross ignorance, or from his not having the books and materials necessary to teach them reading and writing, or because of his immoral conduct, or of his continued neglect to keep the registers, and fill up and sign the certificates of school attendance as required by this Act, the Inspector of the district may annul any certificate granted by such disqualified schoolmaster, by a notice in writing addressed to the occupier of the Print Work in which the children named in the certificate are employed, or his principal agent, setting forth the grounds on which he deems such Schoolmaster to be unfit; and after the date of such notice no certificate of school attendance granted by such schoolmaster shall be valid for the purposes of this Act, unless with the consent in writing of the Inspector of the district; but no Inspector shall annul any such certificate unless in the aforesaid notice he shall name some other school situated within Two Miles of the Print Work where the children named in the certificate are employed: Provided always, That any Schoolmaster whose certificate shall have been annulled, or the occupier of the Print Work in which the children named in the said certificate are employed on behalf 25 30 35 40

Appeal.

behalf of the Schoolmaster, may appeal to the Secretary of State against any such decision of the Inspector, and the Secretary of State may, if he think fit, rescind such decision : Provided also, That every Inspector shall in his annual report to the Secretary of State state the instances (if any) in which he shall have had occasion to annul any such certificate, together with the reasons which he has in each case assigned for so doing.

And be it Enacted, That Registers shall be kept in the Print Work to which they relate by the occupier of every Print Work, according to the forms and directions given in Schedule (B.) to this Act annexed ; and every Inspector shall have power to require such occupier to send to him, in such manner as may be directed in the requisition, any extracts from such Registers, and any other information with relation to the persons employed in the Print Work, which may be requisite to facilitate the performance of the duties of such Inspector in any inquiry made under the authority of this Act ; but no information so sent by the occupier of any Print Work which is not contained in the registers, certificates and other documents required by this Act to be received or kept, shall be admissible in evidence in any proceeding against him for the recovery of any penalty ; and the registers, certificates and other documents required by this Act to be received or kept, shall be forthwith produced to the Inspector or Sub-inspector on his demanding to examine the same, at any time when the Print Work is at work.

27.
Registers to
be kept in
every Print
Work.

And be it Enacted, That the hours of the day during which it is lawful to employ children, young persons and women shall be regulated in every Print Work by a public clock or by some other clock open to the public view, to be approved of in either case in writing under the hand of the Inspector or Sub-inspector of the district.

28.
For ensuring
regularity in
the observ-
ance of time.

And be it Enacted, That such abstract of this Act as shall be directed by one of Her Majesty's Principal Secretaries of State shall be fixed on a moveable board, and be hung up as soon as received by the occupier of the Print Work or his agent in the entrance of the Print Work, and in such other places as the Inspector or Sub-inspector of the district may direct ; and notices of the names and addresses of the Inspector and Sub-inspector of the district in which the Print Work is situated ; of the clock by which the hours of work in the Print Work are regulated and any alteration thereof, together with every other notice required by this Act, written or printed in legible characters and fixed on moveable boards (each particular notice being signed by the occupier of every Print Work or his agent), shall be hung up at the entrance of the Print Work, where they may be easily read by the persons employed in the Print Work, and in such other places as the Inspector or Sub-inspector of the district may direct, and whence they shall

29.
An abstract
of this Act,
and certain
notices, to
be hung up
in every
Print Work.

shall not be removed while the Print Work is at work ; and in case any such abstract of this Act or notice shall become illegible in any part, the occupier of the Print Work shall cause a new copy thereof to be provided and hung up as aforesaid ; and every notice required to be hung up shall be in the forms and according to the directions given in the Schedule (C.) hereunto annexed. 5

30.
Occupier of
the Print
Work to be
liable for
offences
against this
Act in the
first instance.

And be it Enacted, That the occupier of any Print Work in which any offence against this Act has been proved to have been committed, and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty ; but any occupier who shall have been proceeded against by any Inspector or Sub-inspector shall be entitled, upon complaint or information duly made by such occupier, to have any agent, servant or workman whom he shall charge as the actual offender brought by summons before the Justices at the time appointed for hearing the complaint made against him by the Inspector or Sub-inspector ; and if after the commission of the offence has been proved, the occupier of the Print Work shall prove, to the satisfaction of the Justices, that he had used due diligence to enforce the execution of the Act, and that the said agent, servant or workman had committed the offence in question without his knowledge, consent or connivance, the said agent, servant or workman shall be convicted of such offence, and shall pay the penalty instead of the occupier of the Print Work ; and the payment of such penalty and costs shall be enforced against the agent, servant or workman in like manner as penalties are made recoverable by this Act : Provided always, That when it shall be made to appear to the satisfaction of the Inspector or Sub-inspector, at the time of discovering the offence, that the occupier of the Print Work had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent, connivance or knowledge of the occupier, and in contravention of his orders, then the Inspector or Sub-inspector shall proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the occupier of the Print Work. 10 15 20 25 30 35

31.
When com-
plaints to be
preferred.

And be it Enacted, That all complaints for offences against this Act shall be preferred within Two Months next after the commission of the offence, except in the case of complaints for having employed a child without the school certificate required by this Act, in which case the complaints may be preferred within Six Months next after the commission of the offence, or in the case of complaints for offences punishable at discretion by fine or imprisonment, in which case the complaints may be preferred within Twelve Months next after the commission 40

mission of the offence; and no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty hereinafter named for such offence, unless such repetition of offence shall have been committed after a
 5 complaint shall have been made for the previous offence, and except also for offences of employing Two or more children or young persons or women contrary to law.

And be it Enacted, That all complaints for the enforcement of any penalty under this Act shall be heard and determined by Two or
 10 more Justices of the Peace acting for the county or other jurisdiction wherein the offence was committed, or for any adjoining county or jurisdiction, with the like authority as though the cause of complaint had arisen within such adjoining county or jurisdiction, provided that the place of hearing the complaint in such other county or jurisdiction
 15 be not more than Five Miles from the place where the offence was committed; and the Justices by whom any person shall be fined for any offence against this Act may order that such person shall pay the penalty, and also the reasonable costs and charges of such proceedings and conviction, either immediately or within such time as the said
 20 Justices shall think fit; and in default of payment thereof any Justice may cause the same to be levied by distress and sale of the goods and chattels of the party convicted, together with the reasonable costs and charges of such conviction, distress and sale, by warrant under the hand and seal of any such Justice; and where the warrant of distress
 25 is directed against the goods and chattels of any person being the occupier of a Print Work, it shall be lawful under such warrant to distrain any goods and chattels found in the said Print Work which would be liable to be distrained for rent in arrear.

32.
 Proceedings under this Act may be had before any Justices.

Penalties may be recovered as in 5 Geo. 4, c. 18.

Power of distraining goods in Print Work where occupier is convicted.

And be it Enacted, That in England and Ireland a summons for
 30 an offence against this Act shall be issued by any Justice, upon complaint being made to him in writing by an Inspector or Sub-inspector, or upon oath before him by any other person, that to the best of the knowledge and belief of the Inspector, Sub-inspector, or such other person, such an offence has been committed; and in Scotland a sum-
 35 mons for an offence against this Act shall be issued by any Justice upon complaint being made to him in writing by an Inspector or Sub-inspector, or by the Procurator Fiscal, or by any person having a title and interest to prosecute with the concurrence of the Procurator Fiscal, that to the best of the knowledge and belief of such Inspector,
 40 Sub-inspector, Procurator Fiscal, or other person, such an offence has been committed; and in every such prosecution in Scotland the proceedings shall be summary, and it shall not be necessary to take down in writing more than the substance of the evidence; and no higher or other fees shall be allowed in Scotland to the Clerk of Court or Con-

33.
 Issue of summons for offences against this Act.

stables than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in causes and prosecutions under the authority of an Act passed in the tenth year of the reign of King GEORGE the Fourth, intituled, "An Act for the more effectual Recovery of Small Debts, and for diminishing the Expenses of Litigation in Causes of small Amount in the Sheriff Courts in Scotland." 5

34.
Compelling
parties to
appear and
bring register.

And be it Enacted, That every person who shall be summoned to answer any complaint shall be bound to appear at the time and place mentioned in the summons, and to produce before the Justices then and there present every register or other account, paper or notice required by law to be kept by him or his agent, which shall be mentioned in the summons; and if he shall not appear accordingly, then (upon proof of due service of the summons) the Justices may hear and determine the case in his absence, or issue their warrant, as hereinafter provided, for enforcing his attendance, and the attendance of any witness who shall refuse or neglect to appear. 10 15

35.
Inspectors
and Sub-
inspectors
competent
witnesses.

And be it Declared and Enacted, That it shall be no objection to the competency of any Inspector or Sub-inspector to give evidence as a witness in any prosecution under this Act that it is brought at the instance of such Inspector or Sub-inspector, or in Scotland, the Procurator Fiscal, or other person as aforesaid. 20

36.
Justices may
enforce
attendance
of witnesses.

And be it Enacted, That any Justice of the Peace, upon any complaint under this Act, may summon any Witness to appear and give evidence at a time and place appointed for hearing such complaint, and by warrant under his hand and seal may require any person to be brought before the Justices by whom the complaint shall be heard who shall neglect or refuse to appear at the time and place appointed in any summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted; and may commit any person coming or brought before such Justices, who shall refuse to give evidence, to the county prison or prison of the place where such offence was committed, there to remain for any time not exceeding One Month, or until such person shall sooner submit himself to be examined; and in case of such submission the order of any Justice shall be a sufficient warrant to any gaoler or prison-keeper for the discharge of such person. 25 30 35

37.
Inspectors
and Sub-
inspectors
may summon
offenders and
witnesses.

And be it Enacted, That every Inspector and Sub-inspector shall be empowered to summon any person whom he shall charge with having offended against this Act, and also all witnesses who may be needed to give evidence concerning the charge; and every such summons shall be of the same effect as if issued by a Justice of the Peace after complaint upon oath before him, and shall be enforced in like 40

like manner, and the like proceedings may be had thereupon, as if complaint upon oath had been made before such Justice for such offence; and every constable and other peace-officer to whom any such summons shall be directed shall be bound to take charge of and
 5 to serve such summons, and in default thereof shall be liable to be punished as if the summons had been issued by a Justice of the Peace; and every such summons of an offender or witness may be in the form provided in each case, and given in the Schedule (D.) hereunto annexed; and when an Inspector or Sub-inspector shall summon an
 10 offender, he shall give to the same constable or peace-officer a statement of the offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the division in which the case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the period named in the summons for the
 15 appearance of the party charged with such offence.

And be it Enacted, That it shall be sufficient, in any information, complaint or other proceeding under this Act, to set forth the name of the ostensible occupier or title of the firm by which the occupier employing the work-people of the Print Work may be usually known;
 20 and the service of any summons, order or notice required by this Act, or issued under the authority of this Act, and not expressly directed to be personal service, may be made by leaving the same at the dwelling-house of the person to whom the same shall be addressed, or, in the case of summoning or giving an order or notice to the
 25 occupier of a Print Work or to a schoolmaster, by giving a copy thereof in writing to the agent of such occupier, or by sending a copy thereof by the post directed to the occupier of the Print Work at the Print Work, or to the schoolmaster at his school.

38.
 In case of partnership, one name sufficient for summons.

And be it Enacted, That any person who shall be convicted of having
 30 employed any child, young person or woman in any manner contrary to the provisions of this Act, or of employing any child under the age of Thirteen Years, without having obtained the certificate from a schoolmaster required by this Act, such person (not being the parent of such child or the husband of such woman, nor having any direct benefit
 35 from the wages of such child or woman) shall for every such offence be adjudged to pay a penalty of not less than Twenty Shillings, and not more than Three Pounds, for each child so illegally employed: Provided always, That if the offence shall be the employment of any such child or woman during the night, the penalty shall be not less than
 40 Forty Shillings, nor more than Five Pounds.

39.
 Penalty for illegally employing Children, Young Persons and Women.

And be it Enacted, That every parent and other person who shall have direct benefit from the wages of any child employed in any manner forbidden by this Act, who shall wilfully connive at such

40.
 Penalty on Parents and others interested, for conniving at illegal employment.

illegal employment, or who shall neglect to cause such child to attend school as hereinbefore provided, or who when required by an Inspector or Sub-inspector shall fail to produce a certificate of the school attendance of such child, as required by this Act, and the husband of any woman employed during the night wilfully conniving at such employment, shall be liable to a penalty of not less than Five Shillings, and not more than Twenty Shillings, for each offence. 5

41.
Penalty for obstructing Inspectors in execution of their duty.

And be it Enacted, That every person convicted of wilfully obstructing an Inspector or Sub-inspector in the execution of any of the powers entrusted to him by virtue of this Act, shall be liable for each offence to a penalty of not less than Three Pounds, and not more than Ten Pounds. 10

42.
Penalty for obstructing Inspectors at night.

And be it Enacted, That every occupier of a Print Work in which an Inspector or Sub-inspector shall be obstructed in the night, by any attempt to prevent his making a full and complete examination of all part of the Print-Works, and of every person employed therein, shall be liable to a penalty of not less than Twenty Pounds, and not more than Fifty Pounds. 15

43.
Penalty for giving or using untrue Certificates.

And be it Enacted, That every person convicted of making, giving, signing, countersigning, counterfeiting or making use of any certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at making any false or counterfeited certificate, or any false entry in any register, or any other account, paper or notice required by or by virtue of this Act, and also every person convicted of wilfully making and signing a false declaration in any proceedings under this Act, shall be liable to a penalty of not less than Five Pounds, and not more than Twenty Pounds, or to be imprisoned for any time not exceeding Six calendar Months in the House of Correction, in the county, town or place where the offence was committed. 20 25 30

44.
Penalty in cases where no special penalty is provided.

And be it Enacted, That the penalty for any offence against this Act, for which no special penalty is herein provided, shall be any sum not less than Two Pounds, and not more than Five Pounds.

45.
Offences against directions contained in Schedules.

And be it Declared and Enacted, That the non-compliance with any direction contained in any Schedule to this Act annexed shall be deemed an offence against the provisions of this Act. 35

46.
Penalty for second Offences.

And be it Enacted, That every person who shall be convicted Twice within Twelve calendar Months for an offence of the same kind against this Act, shall pay for the second offence any sum not less than One-half of the highest penalty for that offence ; and if convicted Three

Three times within Twelve calendar Months for an offence of the same kind, shall pay not less than Two-thirds of the highest penalty ; and if convicted more than Three times within Twenty-four calendar Months for an offence of the same kind, shall pay the highest penalty ;
 5 but a repetition of the same kind of offence shall not be considered as the second or subsequent offences referred to in this enactment, unless such second or subsequent offence shall have been committed after a complaint has been made for the previous offences ; and in
 10 any case in which a person shall be convicted at any one time for offences against this Act, so that the penalties amount in the whole to more than One hundred Pounds, the sum of One hundred Pounds, together with all the reasonable costs and charges of such proceedings and convictions, may be paid, instead of the penalties for all offences committed by such person, before the day on which the last summons
 15 was taken out against him or her.

Provided always, and be it Enacted, That no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty herein appointed for such offence, unless such repetition of offence shall have been com-
 20 mitted after a complaint shall have been made for the previous offence ; but the offence of employing two or more children or women contrary to law shall be considered a repetition of the same kind of offence within the meaning of this provision.

47.
In cases of
repetition of
Offences.

And be it Enacted, That all penalties for any offence against this
 25 Act shall be applied under the direction of one of Her Majesty's Principal Secretaries of State, and shall be paid, on account of the Inspector for the district in which the penalty was imposed, to such banker as shall be appointed by such Inspector to receive the same ; and every person to whom any such penalty shall be paid shall pay
 30 over the amount thereof to the banker so appointed within Fourteen Days of receiving the same ; and it shall be lawful for the Secretary of State to remit the whole or any part of such penalty ; and so much thereof as shall not be so remitted, and not otherwise especially appropriated by this Act, shall be applied by such Inspector, under the
 35 direction of one of Her Majesty's Principal Secretaries of State, in such manner as shall appear best for the establishment or support of day schools for the education of children employed in Print Works ; and so much of an Act passed in the sixth year of the reign of his late Majesty, intituled, " An Act to provide for the Regulation of
 40 Corporations in England and Wales," as provides that certain penalties and forfeitures, if recovered before any Justice of any borough having a separate court of quarter sessions of the peace, shall be recovered for and adjudged to be paid to the treasurer of such borough, shall be repealed as to the penalties imposed under this Act.

48.
Application
of Penalties.

49.
How former
conviction
may be
proved.

And be it Enacted, That whenever any person shall be convicted of any offence against this Act, the Clerk of the Peace where such conviction shall have been filed, shall, upon the request in writing of any Inspector or Sub-inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy ; and every such copy shall be received as evidence of such conviction upon any future proceeding under this Act ; and for every such copy the Clerk shall be entitled to have a fee of One Shilling, and no more. 5

50.
Convictions
to be filed
amongst the
records of the
county.

And be it Enacted, That every conviction under this Act may be in the form given in the Schedule (D.) to this Act annexed, or in any other form more suitable to the case, and shall be certified in England and Ireland to the next General or Quarter Session of the Peace, and in Scotland to the Clerk of the Justices of the Peace, there to be filed amongst the records of the county, riding, division, stewartry, town or place. 10 15

51.
No appeal
from convictions,
except
in certain
cases.

And be it Enacted, That no appeal shall be allowed against any conviction under this Act, except for an offence punishable at discretion by fine or imprisonment, or when the penalty awarded shall be more than Three Pounds ; neither shall any conviction, except as aforesaid, be removeable by Certiorari or Bill of Advocation into any court whatever ; and no information, conviction or other proceeding on any complaint for an offence against this Act shall be quashed or deemed illegal for matter of form, or for the want of any averment unnecessary to be proved, or the omission of any word, or for the insertion of any word, in any case in which such omission or such insertion respectively do not affect the essence of the offence, nor for the wrong designation of a name, or time or place, where the person, time and place intended shall have been so stated as to have been, in the opinion of the Justices by whom the complaint shall have been heard, clearly understood by the person charged with such offence ; and it shall not be necessary, in any information conviction or other proceeding under this Act, to define the processes carried on in such Print Work, or to set out that the Print Work or process of employment referred to is not within any of the cases excepted, provided that it be therein stated that such Print Work is a Print Work within this Act ; and the proof of being within any such excepted case shall lie upon the party claiming the benefit of such exception. 20 25 30 35

52.
Appeal.

And be it Enacted, That any person aggrieved by any such conviction for which an appeal is allowed by this Act may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the day of the conviction for the county or other jurisdiction wherein the cause of complaint shall have arisen ; provided 40

provided that the person so intending to appeal shall give to the Inspector or Sub-inspector of the district notice in writing of such appeal, and of the cause or matter thereof, within Three Days after the conviction or order, and Seven clear Days at the least before such session, and shall also enter into a recognizance, with Two sufficient sureties, before a Justice of the Peace for the county or other jurisdiction, Seven clear Days at the least before such session, conditioned personally to appear at the said session, and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as shall be by the court awarded ; and the court at such session shall hear and determine the matter of appeal, and shall make such order thereon as to the court shall seem meet ; and in case of the dismissal of the appeal or the affirmance of the conviction or order, the court shall adjudge and order the party to be punished according to the conviction, or to obey the order appealed against, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

And be it Enacted, That in all cases in which a Justice of the Peace is required or empowered to do any thing under this Act, or is named therein, a Burgh Magistrate shall have within his jurisdiction the same powers and duties as are herein given to such Justice, and shall exercise the same in Scotland ; but no complaint preferred for any offence against this Act committed in a Print Work shall be heard by a Justice of the Peace or Burgh Magistrate, being an occupier of the Print Work, or being the father, son or brother of the occupier of the Print Work in which the offence set forth in the complaint shall have been committed.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

53.
Who are to
exercise the
powers of
Justices.

54.
Act may be
amended
during present
Session.

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

SURGICAL CERTIFICATE.

(To be written or printed on white Paper.)

PRINT WORKS REGULATION ACT, VICTORIA, c.

No. ——. CERTIFICATE of AGE for a CHILD to be employed in the Print Work
of situated at in

I, of duly appointed a certifying Surgeon, do
hereby certify, That son [or daughter] of and
residing in has been personally examined by me
this day of One thousand eight hundred and
and that the said child has the ordinary strength and appearance of a child of at least
Eight Years of Age, and that I believe the real age of the said child to be at least Eight
Years; and that the said child is not incapacitated, by disease or bodily infirmity, from
working in the above-named Print Work for the time allowed by this Act,

(signed) Certifying Surgeon.

The form of Surgical Certificate to be given to a child who has obtained a Certificate of
real Age shall be the same as above, omitting the words, "and that the said child has the
ordinary strength and appearance of a child of at least Eight Years of Age, and that I
believe the real Age of the said child to be at least Eight Years," and substituting these
words in their place: "and that a certificate of the birth [or baptism] of the said child
has been produced to me in the form required by this Act, proving that the real age of
such child is at least Eight Years."

(To be written or printed on coloured Paper.)

PRINT WORKS REGULATION ACT, VICTORIA, c.

No. ——. CERTIFICATE of AGE for a YOUNG PERSON to be employed in the
Print Work of situate at in

I, of duly appointed a certifying Surgeon do
hereby certify, That son [or daughter] of and
residing in has been personally examined by
me this day of One thousand eight hundred and
and that the said young person has the ordinary strength and appearance
of a young person of at least Thirteen Years of Age, and that I believe the real age of the
said young person to be at least Thirteen Years; and that the said young person is not
incapacitated, by disease or bodily infirmity, from working in the above-named Print Work
for the time allowed by this Act.

(signed) Certifying Surgeon.

The form of Surgical Certificate to be given to a young person who has obtained a certifi-
cate of real age shall be the same as the above, omitting the words, "and that the said
young person has the ordinary strength and appearance of a young person of at least
Thirteen

The form of Surgical Certificate to be given in either case by any practitioner who is not a certifying Surgeon must be the same as the corresponding form above given, omitting the words "duly appointed a certifying Surgeon," and substituting the words "duly authorized by the University [or College, or other public body having authority in that behalf], of _____ to practise surgery [or medicine]," and making the following addition, which must be signed by a Justice of the Peace or Burgh Magistrate :—

Dated this day of One thousand eight hundred
and

(signed) C. D., Justice,
[or Burgh Magistrate.]

So soon as any certificates authorized by this Act to be received as proof of the age of any persons shall be obtained by the occupier of a Print Work or his agent, they shall be fixed in a book, to be called "The Age Certificate Book," in the order of the dates at which they shall have been respectively received; and such certificates shall be numbered in the order in which they are so fixed in the book; but the certificates for children shall be kept in a separate and distinct place in the said book, or in a separate book, and shall be marked with a series of running numbers distinct from that of the certificates for young persons.

If a surgeon shall have refused to grant a certificate of age to any child or young person, the word "Refused" shall be written by the surgeon in the column of the register where the numbers of the certificates are required to be inserted.

CERTIFICATE REFUSED.

I, _____ of _____, duly appointed a certifying Surgeon,
do hereby declare, That _____ son [or daughter] of _____
residing in _____ has been personally examined by me this _____
day of _____ One thousand eight hundred and _____ and that in
my opinion the said [child or young person] has not the ordinary strength and appearance
of a child of at least Eight years of age (or of a young person of at least Thirteen years
of age) or (or and) is incapacitated by disease and bodily infirmity from working in a Print
Work for the time allowed by this Act
(signed) _____ Certifying Surgeon.

N.B.—The words within brackets shall be in the handwriting of the certifying surgeon, who shall insert the reason of his refusal to be either on account of deficient age or bodily infirmity, or both, as the case may be.

PRINT WORKS REGULATION ACT, VICTORIA, C.

SCHOOL CERTIFICATE BOOK.

I HEREBY certify, That the Child A. B., son [or, daughter] of C. D. and E. F., residing in _____ attended the School kept by me at _____ for the Number of Hours and at the Time on each day specified in the columns opposite to his [or, her] Name.

During the week ending on Saturday the _____ day of _____ 18

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.	
From	To	From	To	From	To	From	To	From	To	From	To

(signed) _____ Schoolmaster.
this _____ day of _____ 18

During the week ending on Saturday the _____ day of _____ 18

Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.	
From	To	From	To	From	To	From	To	From	To	From	To

(signed) _____ Schoolmaster.
this _____ day of _____ 18

Under the column headed "Time," the periods of the day that each Child attends School shall be stated, as thus, from Nine to Twelve, or from Two to Five, or any other time, as the case may be.

The time when each Child attends School, or the word "Absent," shall be stated in the column for each day, in the handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own handwriting, subscribe to it his Christian and Surname in full.

Each Certificate-book shall contain Twenty-six forms similar to the above, and shall be valid for the purposes of this Act for Six months only, either from the First day of January to the last day of June, or from the first day of July to the last day of December of any Year; and at the expiration of either period of Six months, such Certificate-book containing the school attendance of the child certified, shall be delivered by the parent or other person having direct benefit from the wages of such child, to the occupier of the Print Work where such child is employed; and if the child cease to be employed in the Print Work, to the occupier of which such School Certificate-book was delivered, the Parent or or other person as aforesaid shall be entitled on demand, to have the said Certificate-book restored to him.

SCHEDULE (B.)

REGISTERS.

FORM FOR THE REGISTER OF CHILDREN.

LIST of CHILDREN employed in this PRINT WORK.

No. of Reference to Age Certificate Book, as required by Schedule (A.)	NAMES.		Date of First Day of being Employed or Re-employed.			When any Child ceases to be Employed, insert opposite the Name the word "Left;" and when any Child completes his Thirteenth Year of Age, the word "Thirteen."	School at which the Child attends.	
	Surname.	Christian Name.	Month.	Day.	Year.		Name of the Master.	Situation of the School.

This Register shall contain the Name of every child employed in the Print Work, to be entered in alphabetical order, successively when engaged to work, whether for the first time, or after having left, when re-engaged to work.

At the beginning of this Register shall be inserted—

1. The Name of the Occupier or Firm.
2. The Name of the Print Work, the Place, Township, Parish and County where it is situated, and the Post-office to which the Occupier desires his Letters to be directed.
3. The nature of the Work carried on.
4. The Clock by which the employment of the Workers in the Print Work is regulated.

Every alteration in any of the above particulars shall be inserted immediately after the alteration shall have been made.

FORM FOR THE REGISTER OF YOUNG PERSONS.

LIST of YOUNG PERSONS employed in this FACTORY.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of being Employed or Re-employed.			When any Young Person ceases to be Employed, insert opposite the Name the word "Left;" and when any Young Person completes his Sixteenth Year of Age, the word "Sixteen."
	Surname.	Christian Name.	Month.	Day.	Year.	

The Visits of the certifying Surgeon to the Print Work shall be recorded in this Register in the manner following :

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
	*	†	

* If the Surgeon shall be told that there is no child or young person in the Print Work to be examined at the time of his visit, he shall insert in this column the word "None."
† If none be granted, he shall insert the word "None."

SCHEDULE (C.)

NOTICES TO BE FIXED UP IN THE PRINT WORK.

Form for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, and the Clock for regulating the Hours of Work in the Print Work.

Name and Address of the Inspector of the }
District - - - - - }
Name and Address of the Sub-Inspector of }
the District - - - - - }
Name and Address of the Surgeon who grants }
Certificates of Age for the Print Work - }
Clock by which the Hours of Work are }
regulated - - - - - }

SCHEDULE (D.)

FORMS OF SUMMONSES AND CONVICTION.

Form of SUMMONS to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of }
[or, Borough of] }
To the Constable of
WHEREAS it appeareth to me, I. F., one of Her Majesty's Inspectors [or, Sub-Inspector] of Factories, that A. D. of in the County [or, Borough, &c.] of hath offended against the Act made in the year of Her Majesty's reign, intituled [here set forth the Title of this Act]; forasmuch as he the said A. D., on the day of in the year of our Lord at in the County [or, Borough, &c.] of did [here set forth the substance of the charge]: These, therefore, are to require you forthwith to summon the said A. D., to appear before such two or more of Her Majesty's Justices of the Peace acting in and for the County [or, Borough, &c.] of who shall be present at in the County [or, Borough, &c.] of on the day of at the hour of in the noon of the same day, to answer to the said charge, and to be further dealt with according to law. And be you then there to certify what you have done in the premises. Herein fail not.
Given under my hand, this day of in the year of our Lord
(signed) I. F., Inspector [or, Sub-Inspector.]

FORM of SUMMONS of a Witness to be issued by an Inspector
or Sub-Inspector.

County of
[or, Borough of]

}

To the Constable of

WHEREAS it appeareth to me, I.F., one of Her Majesty's Inspectors [or, Sub-Inspector] of
Factories, that A. D. of in the County [or, Borough, &c.] of
hath offended against the Act made in the year of Her Majesty's reign,
intituled [here set forth the Title of the Act]; forasmuch as he the said A. D., on the
day of in the year of our Lord at
in the County [or, Borough, &c.] of did [here set forth
the substance of the charge], and that B. P. of in the County [or, Borough,
&c.] is a material witness to be examined concerning the said charge: These, therefore, are
to require you forthwith to summon the said B. P. to appear before such two or more of Her
Majesty's Justices of the Peace acting in and for the County [or, Borough, &c.] of
as shall be present at in the County [or, Borough, &c.,] of
on the day of at the hour of in the
noon of the same day, to testify his knowledge concerning the premises. And be you then
there to certify what you have done in the premises. Herein fail not.

Given under my hand this day of in the year of our Lord

(signed) I. F., Inspector [or, Sub-Inspector.]

FORM OF CONVICTION.

County of
[Liberty, or Borough,
as the case may be.] } BE it Remembered, That on the day of
in the year One thousand eight hundred and
A. B. [describe the offender] is convicted before us, J. P. and K. Q., two of Her Majesty's
Justices of the Peace for the County [Liberty, or Borough, as the case may be,] of
in pursuance of an Act passed in the
year of the reign of Queen VICTORIA, intituled [here insert the Title of this Act,] for that
he [describe the offence].

Given under our hands and seals the day and year above written.

J. P. (L. S.)

K. Q. (L. S.)

Calico Print Works.

A

B I L L

[AS AMENDED ON SECOND RE-COMMITMENT]

To regulate the Labour of Children in the
Calico Print-Works of Great Britain and
Ireland.

(*Prepared and brought in by*
Lord Ashley, Mr. Couper and Mr. Wallace.)

Ordered, by The House of Commons, to be Printed,
17 April 1845.



A

B I L L

For enlarging the Powers of Justices in determining Complaints between Masters, Servants and Artificers, and for the more effectual Recovery of Wages before Justices.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

- W**H^{EREAS} by an Act passed in the twentieth year of the reign of his Majesty King **GEORGE** the Second, intituled, “An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices,” it is enacted, that all complaints, differences and disputes between Masters or Mistresses and Servants in Husbandry, who shall be hired for One year or longer, or between Masters and Mistresses, and Artificers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen. Potters and other Labourers, employed for any certain time, or in any other manner, shall be heard and determined by One or more Justice or Justices of the Peace, provided that the sum in question do not exceed Ten Pounds with regard to any Servant, nor Five Pounds with regard to any other of the said Artificers or Labourers; and further, that it shall be lawful for such Justice or Justices, upon application or complaint made upon oath by any Master, Mistress or Employer against any such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter or Labourer, touching or concerning any misdemeanor, miscarriage or ill-behaviour in such his or her service or employment, to hear, examine and determine the same, and a mode is provided for enforcing the decision of the Justice or Justices :
- Preamble:
20 Geo. 2,
c. 19, s. 1.
- s. 2.

And whereas by another Act passed in the thirty-first year of the same reign, intituled, “An Act to amend an Act made in the third

31 Geo. 2,
c. 11, s. 3.

year of the reign of King WILLIAM and Queen MARY, intituled, ' An Act for the better Explanation and supplying the Defects of the former Laws for the Settlement of the Poor,' so far as the same relates to Apprentices gaining a Settlement by Indenture, and also to empower Justices of the Peace to determine Differences between Masters and 5 Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for less time than a Year;" it is enacted, that the said first-recited Act, and all and every clause and matter therein contained, shall be deemed and construed to extend to all Servants employed in husbandry, though hired for less time than 10 one year :

6 Geo. 3,
c. 25, s. 4.

And whereas by another Act passed in the sixth year of the reign of his Majesty King GEORGE the Third, intituled, " An Act for better regulating Apprentices and Persons working under Contract," it is enacted, that if any Artificer, Calico Printer, Handicraftsman, Miner, 15 Collier, Keelman, Pitman, Glassman, Potter, Labourer or other person shall contract with any person whomsoever, for any time or times whatsoever, and shall absent himself from his service before the term of his contract shall be completed, or be guilty of any other Misdemeanor, it shall be lawful for a Justice of the Peace, and such 20 Justice is empowered, upon complaint thereof made upon oath by the person with whom such Artificer, Calico Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer or other person shall have so contracted, or by his or her Steward or Agent, to issue his warrant for apprehending every such Artificer, Calico 25 Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer, or other person, and to examine into the nature of the complaint, and to decide thereon, and to enforce such decision :

4 Geo. 4,
c. 34, s. 3.

And whereas by another Act passed in the fourth year of the reign of his Majesty King GEORGE the Fourth, intituled, " An Act to 30 enlarge the Powers of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers and others," it is enacted, that if any Servant in husbandry or any Artificer, Calico Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer or other person, shall contract 35 with any person or persons to serve him, her or them for any time or times whatsoever, or in any other manner, and shall not enter into or commence his or her service, according to his or her contract, (such contract being in writing and signed by the contracting parties) or, having entered into such service, shall absent himself or herself from 40 his or her service before the term of his or her contract, whether such contract shall be in writing or not in writing, shall be completed, or neglect to fulfil the same, or be guilty of any other Misconduct or Misdemeanor in the execution thereof or otherwise respecting the same

same, it shall be lawful for a Justice of the Peace, and such Justice is empowered, upon complaint thereof made upon oath to him by the person or persons or any of them with whom such Servant in husbandry, Artificer, Calico Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer or other person shall have so contracted, or by his, her or their Steward, Manager or Agent, to issue his Warrant for apprehending every such Servant in husbandry, Artificer, Calico Printer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer or other person, and to examine into the nature of the complaint, and to decide thereon, and to enforce such decision :

And whereas, after reciting that it frequently happens that such Masters, Mistresses or Employers reside at considerable distances from the Parishes or Places where their business is carried on, or are occasionally absent for long periods of time, either beyond the Seas or at considerable distances from such Parishes or Places, and, during such residence or occasional absences, entrust their business to the management and superintendence of Stewards, Agents, Bailiffs, Foremen or Managers, whereby such Servants, Artificers, Handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glassmen, Potters, Labourers or other persons and Apprentices, are or may be subjected to great difficulties and hardships, and put to great expense in recovering their Wages, it is enacted, that in either of the said cases it shall be lawful for a Justice or Justices, upon the complaint of any such Servant, Artificer, Handicraftsman, Miner, Collier, Keelman, Pitman, Glassman, Potter, Labourer or other person or Apprentice, touching or concerning the non-payment of his or her Wages, to summon such Steward, Agent, Bailiff, Foreman or Manager to be and appear before him or them, and to hear and determine the matter of the complaint, in such and the like manner as complaints of the like nature against any Master, Mistress or Employer are directed to be heard and determined in and by the said recited Acts, provided that the sum in question do not exceed the sum of Ten pounds; and it is by the said last-recited Act further enacted, that every Justice before whom any complaint shall be made, in pursuance of the said before-recited Acts made in the twentieth and in the thirty-first years of the reign of King GEORGE the Second, shall and may order the amount of the Wages that shall appear due to any Servants in husbandry, Artificers, Labourers or other person named in the said Acts or either of them, to be paid to the person entitled thereto, within such period as the said Justice or Justices shall think proper :

And whereas doubts have arisen whether the word " Labourers," expressed in the said several recited Acts of the twentieth and thirty-first years of the reign of King GEORGE the Second, of the sixth

year of the reign of King GEORGE the Third, and of the fourth year of the reign of King GEORGE the Fourth; and also whether the words "or other person," mentioned and expressed in the said two last-mentioned Acts, extend or apply to any Labourers or other persons, except such as are employed in the various trades enumerated in the same several Acts, or to any cases except where the relation of Master and Servant exists; and also whether by the said last-recited Act the jurisdiction of the Justices has been extended to the sum of Ten Pounds in any case in which the Master or Mistress is summoned;

For obviating such Doubts,

1.
Extended to
Labourers,
&c., in other
Trades.

Not to affect
Acts passed
for regulating
other Trades
or Manu-
factures.

Not to extend
to Domestic
Servants,
except em-
ployed in
Husbandry.

BE it Enacted and Declared, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** the said several recited Acts of the twentieth and thirty-first years of the reign of King GEORGE the Second, of the sixth year of the reign of King GEORGE the Third, and of the fourth year of the reign of King GEORGE the Fourth, and all and every the powers, authorities, clauses and matters therein contained, so far as the same affect, concern or relate to Labourers, or other persons, shall, from and after the *passing of this Act*, extend, and be deemed and construed to extend, and apply to all Labourers and other persons, although not employed in any of the trades enumerated in the said several recited Acts, and although the relation of Master and Servant may not actually subsist between such Labourers, or other persons, and their Employers; and that in all the cases aforesaid the jurisdiction of the Justice or Justices shall extend to the sum of *Ten Pounds*, whether the summons or warrant shall be against the Master or Mistress, or against his or her Steward, Agent, Bailiff, Foreman or Manager; and that such jurisdiction shall be exercised by any Justice or Justices of the Peace of the county, riding, division or place where the contract was made, or where the work was executed, or where the person complained against is found: Provided nevertheless, That nothing herein contained shall be deemed or taken to affect, vary, alter or repeal any Acts passed for regulating particular trades or manufactures, other than and except the said several hereinbefore recited Acts of the twentieth and thirty-first years of the reign of King GEORGE the Second, the sixth year of the reign of King GEORGE the Third, and the fourth year of the reign of King GEORGE the Fourth, and only so much and such parts of the same several recited Acts as are hereinbefore expressed to be hereby explained, altered or varied: Provided also, That nothing herein contained shall be deemed or taken to authorize and empower any Justice or Justices to hear or adjudicate in any case or difference between domestic Servants

vants or their Employers, unless such domestic Servants shall also be employed in husbandry.

AND whereas by another Act passed in the fifth year of the reign of his said Majesty King GEORGE the Fourth, intituled, " An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables," it is enacted, that whenever it shall appear to any Justice or Justices of the Peace, Magistrate or Magistrates, by whom any penalty or sum of money is adjudged to be paid, upon the return of any warrant of distress, that no sufficient goods and chattels of the offender or defendant can be found whereon to levy the sum adjudged to be paid, and all costs and charges within the jurisdiction of such Justice or Justices, Magistrate or Magistrates, or in case it shall appear to such Justice or Justices, Magistrate or Magistrates, either by the confession of the party or parties, or otherwise, that he, she or they have not goods and chattels within the jurisdiction of such Justice or Justices, Magistrate or Magistrates, sufficient whereon to levy such sum of money, costs and charges, such Justice or Justices, Magistrate or Magistrates, at his or their discretion, and without issuing any warrant of distress, may proceed in such and the like manner as if a warrant of distress had been issued, and a nulla bona returned thereon ; and it shall be lawful for such Justice or Justices, or Magistrate or Magistrates, to issue forth his or their warrant for committing such offender or defendant to the common gaol for any term not exceeding *Three* calendar Months, unless the sum adjudged to be paid, and all costs and charges of the proceedings, shall be sooner paid : AND whereas it is expedient to extend the said last hereinbefore recited enactment to persons who have no sufficient goods and chattels whereon to levy any sum or sums of money ordered to be paid by any Justice or Justices, Magistrate or Magistrates, for Wages, under or by virtue of the said several hereinbefore recited Acts ; BE it therefore Enacted, That the said recited Act passed in the fifth year of the reign of King GEORGE the Fourth, and the powers therein contained, shall, from and after the *passing of this Act*, extend and be deemed and construed to extend and apply to persons who have no sufficient goods and chattels whereon to levy any sum or sums of money ordered to be paid by any Justice or Justices, Magistrate or Magistrates, for Wages or other work, under or by virtue of the said several Acts of the twentieth and thirty-first years of the reign of King GEORGE the Second, and the sixth year of the reign of King GEORGE the Third, and of the fourth year of the reign of King GEORGE the Fourth, or this Act, or any or either of them.

2.
5 Geo. 4, c. 18,
s. 2.

Extended to
Wages under
20th & 31st
Geo. 2; and
4 Geo. 4.

Masters and Servants.

A

B I L L

For enlarging the Powers of Justices in determining Complaints between Masters, Servants and Artificers, and for the more effectual Recovery of Wages before Justices.

(Prepared and brought in by
*Mr. William Miles, Mr. Robert Palmer and
Mr. Gally Knight.*)

*Ordered, by The House of Commons, to be Printed,
23 February 1844.*

58.

Under 1 oz.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For enlarging the Powers of Justices in determining Complaints between Masters, Servants and Artificers, and for the more effectual Recovery of Wages before Justices.

[N. B.—*The Preamble, and the Clauses marked (A.) to (M.), were inserted by the Committee.*]

5 **W**HEREAS doubts have arisen concerning the interpretation of the Statutes made for determining disputes between Masters and Servants; and it is expedient that the same should be explained and amended, and the provisions thereof consolidated into one Act;

BE it Enacted by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of the following Acts as does not relate to Apprentices shall be repealed; (that is to say)

10 An Act passed in the fifth year of the reign of Queen ELIZABETH, intituled, "An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry and Apprentices;" an Act passed in the twentieth year of the reign of King GEORGE the Second, intituled, "An Act

15 for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Apprentices;" an Act passed in the twenty-seventh year of the reign of King GEORGE the Second, intituled, "An Act to repeal a Proviso in an Act made in the twentieth year of his present

20 Majesty's Reign, intituled, 'An Act for the better adjusting and more easy Recovery of the Wages of certain Servants, and for the better Regulation of such Servants, and of certain Servants,' which provides that the said Act shall not extend to the Stannaries in Devon and Cornwall;" an Act passed in the thirty-first year

Preamble.

1.
CLAUSE (A.)
Partial re-
peal of cer-
tain Acts.

5 Eliz. c. 4.

20 Geo. 2,
c. 19.

27 Geo. 2,
c. 6.

31 Geo. 2,
c. 11.

of the reign of King GEORGE the Second, intituled, "An Act to amend an Act made in the third year of the reign of King WILLIAM and Queen MARY, intituled, 'An Act for the better Explanation and supplying the Defects of the former Laws for the Settlement of the Poor,' so far as the same relates to Apprentices gaining a Settlement by Indenture, and also to empower Justices of the Peace to determine Differences between Masters and Mistresses and their Servants in Husbandry, touching their Wages, though such Servants are hired for less Time than a Year;" an Act passed in the sixth year of the reign of King GEORGE the Third, intituled, "An Act for better regulating Apprentices and Persons working under Contract;" an Act passed in the fourth year of the reign of King GEORGE the Fourth, intituled, "An Act to enlarge the Power of Justices in determining Complaints between Masters and Servants, and between Masters, Apprentices, Artificers and others;" and so much of the said Acts relating to Apprentices as is now in force shall continue in force as if this Act had not been made.

6 Geo. 3,
c. 25.

4 Geo. 4,
c. 34.

2.

CLAUSE (B.)
Justices may
hear and
determine
complaints,
and award
Wages or
damages to
Ten Pounds.

And be it Enacted, That all complaints and disputes (except as hereinafter provided) between Masters or Employers and Servants, Workmen or Labourers employed for any certain time, or by the job, or in any other manner, may be heard and determined by any Justice of the Peace of the county, riding, division or place where the contract was made, or where the employment was or was to have been, or where the person complained against shall be found, and the said Justice shall have power to order such sum to be paid by the one party to the other, either by way of damages or wages, or in abatement of wages, as to him shall seem just and reasonable, not exceeding in the whole the sum of Ten Pounds over and above the reasonable costs of the proceedings.

3.

CLAUSE (C.)
Justices may
order dis-
charge of
Servants.

And be it Enacted, That upon the hearing of any such complaint, the said Justice shall have power, if he shall think fit, to order that any such Servant, Workman or Labourer be discharged or freed from his or her service, contract or employment.

4.

CLAUSE (D.)
In cases of
misbehaviour
imprisonment
may be
awarded.

And be it Enacted, That if any Servant, Workman, Labourer or other person shall contract to serve or work for any other person, and shall not enter into his or her service or employment according to the contract, or having entered thereunto, shall absent himself or herself therefrom before the term of his or her contract or before the work contracted to be performed shall be completed, or shall be guilty of any other misbehaviour concerning such service or employment, it shall be lawful for any Justice of the Peace, upon complaint thereof made upon oath by the Master or Employer, or by his or her Steward or Agent, Bailiff, Foreman or Manager, instead of awarding damages

or

or abatement of wages, to order that the party complained of shall be imprisoned in the common gaol or house of correction, with or without hard labour, for any term not exceeding Two Calendar Months.

5 And be it Enacted, That any Justice of the Peace, upon any complaint being made before him, which he has authority to hear and determine under this Act, may issue his summons in writing for the attendance of the person complained of, at a time and place to be appointed for hearing the complaint, and to be set forth in the summons; and if the person to whom any such summons shall have
10 been directed shall not appear according to the tenor thereof, and no sufficient cause shall be shown for his or her non-appearance, it shall be lawful for any Justice of the Peace, upon proof of the service of the summons, to issue his warrant for the apprehension of such person, or if complaint shall be made upon oath before such Justice that the
15 person complained of has absconded, or is about to abscond, it shall be lawful for such Justice to issue his warrant for the apprehension of such person, either without issuing any summons, or after the issue of the summons, in order that the complaint may be heard and determined.

5.
CLAUSE (E.)
Compelling
appearance of
party com-
plained of.

20 And be it Enacted, That where any such service or employment shall have been contracted for, or carried on by or under the management of any Steward, Agent, Bailiff, Foreman or Manager, on behalf of any such Master or Employer, it shall be lawful for any such Servant, Workman or Labourer to prefer any such complaint against such
25 Steward, Agent, Bailiff, Foreman, or Manager (unless where the complaint shall be for personal ill-treatment by such Master or Employer); and in every such case (except as aforesaid) the complaint may be heard and determined as if such Steward, Agent, Bailiff, Foreman or Manager were the Master or Employer of such Servant, Workman or
30 Labourer.

6.
CLAUSE (F.)
Agents, &c.
may be sum-
moned instead
of their
Masters.

And be it Enacted, That it shall be lawful for any Justice of the Peace, at the request in writing of any of the parties to the said complaint, and on the oath of such party that he or she believes that the attendance of any person as a witness will be material to the hearing
35 of such complaint, to issue his summons to any such person to appear and give evidence on oath before such Justice as shall hear and determine the complaint, at a time and place to be set forth in the said summons; and if any person so summoned shall not appear at the time and place set forth in the said summons, and shall not offer any reasonable excuse for the default, to the satisfaction of the Justice attending for the purpose of hearing and determining the complaint, or, appearing according to the summons, shall not submit to be examined as a
40 witness, then it shall be lawful for such last-mentioned Justice, upon

7.
CLAUSE (G.)
Justice may
compel the
attendance of
Witnesses.

proof of the service of the summons, by warrant under his hand and seal, to commit the person so making default in appearing, or appearing and refusing to give evidence, to some prison within his jurisdiction, there to remain without bail or mainprize for any time not exceeding One calendar Month, or until such person shall submit to be examined and give evidence. 5

8.
CLAUSE (H.)
Service of
Summons.

And be it Enacted, That every Summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode Twenty-four hours at the least before the time appointed by the summons for such person to appear. 10

9.
CLAUSE (I.)
Recovery of
sums ordered
to be paid.

And be it Enacted, That on non-payment of any sum so ordered to be paid (except any sum ordered to be abated from any wages), the same shall be levied with the reasonable costs and charges of hearing the complaint, by distress and sale of the goods and chattels of the party making default; and every sum so ordered to be paid (except as aforesaid) shall be deemed to be a penalty and forfeiture within the meaning of an Act passed in the fifth year of the reign of King 15
5 Geo. 4, c. 18. GEORGE the Fourth, intituled, "An Act for the more effectual Recovery of Penalties before Justices and Magistrates, on Conviction 20
of Offenders, and for facilitating the Execution of Warrants by Constables;" and the party against whom such order shall have been made shall, as to such penalty, be deemed a convicted offender within the meaning of the same Act.

10.
CLAUSE (K.)
Appeal.

Provided always, and be it Enacted, That every person who shall 25
think himself or herself aggrieved by the order of any such Justice, may appeal to the next or next but one general or quarter session of the peace, to be holden for the county, riding, division or place where such order shall be made, such person giving Six Days' notice of his or her intention of bringing such appeal, and of the cause and matter 30
thereof, to such Justice of the Peace, and the parties concerned, and entering into a recognizance within Three Days after such notice, before some Justice of the Peace for such county, riding, division or place, with sufficient surety conditioned to try such appeal, and abide the judgment of the court thereon, and to pay such costs as shall be 35
awarded by the said court; and the said court, upon due proof of such notice being given, and of such recognizance as aforesaid having been duly entered into, shall hear and determine such appeal, and shall give such relief and costs to the party appealing, or to the party appearing in support of the order of the Justice, as the court in its 40
discretion shall think just and reasonable; and the judgment of the said court thereon shall be final and conclusive on all parties concerned.

Provided

5 Provided always, and be it Enacted, That nothing herein contained shall apply to any subject of dispute arising between Masters and Workmen, or between Workmen and those employed by them, which may be settled and adjusted under the provisions of an Act passed in the fifth year of the reign of King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen," or to any domestic Servant, unless he or she shall be also employed in Husbandry, or to any Apprentice.

11.
CLAUSE (L.)
Act not to
apply to dis-
putes within
5 Geo.4, c. 96,
or to domestic
Servants or
Apprentices.
5 Geo. 4, c. 96.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

12.
(CLAUSE M.)
Act may be
amended, &c.

Masters and Servants.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For enlarging the Powers of Justices in determining Complaints between Masters, Servants and Artificers, and for the more effectual Recovery of Wages before Justices.

(*Prepared and brought in by*
Mr. William Miles, Mr. Robert Palmer, and
Mr. Galry Knight.)

Ordered, by The House of Commons, to be Printed,
13 March 1844.

111.

Under 1 oz.



A

B I L L

To abolish the Arrestment of Wages in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS a practice of arresting the Wages of the Preamble.
Workpeople has of late years arisen and prevailed in
Scotland, and such practice is contrary to the true spirit of the Law of
Scotland, which exempts from process Wages, and all other alimentary
5 funds :

And whereas this practice is injurious to the habits of the Work-
people, subjects them to imposition, oppression and protracted distress,
and exposes Masters to constant loss and inconvenience :

And whereas a Report was made to his late most Excellent Majesty
10 WILLIAM the Fourth, dated May the second One thousand eight
hundred and Thirty-four, that “Great evil exists in the manufacturing
districts of Scotland from the Arrestment of Wages, which cuts off
the means by which the Workman and his family are to be supported,
and occasions Masters great trouble and inconvenience:”

15 And whereas it is expedient such practice should cease and
determine ;

BE it therefore Enacted, by The QUEEN’s most Excellent
MAJESTY, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
20 and by the Authority of the same, THAT from and after the *First*
day of October One thousand eight hundred and Forty-five, it shall
not be lawful or competent to arrest the Wages of Labour, and
that all actions after the said *First day of October One thousand*
eight hundred and Forty-five against Masters in any of the Courts
25 of Law or Equity in Scotland, regarding Arrestment applicable to
Wages, shall cease and determine.

1.
Wages of
Labour not to
be subject to
Arrest.

And be it Enacted, That this Act may be amended or repealed
by any Act to be passed during this present Session of Parliament.

2.
Act may be
amended
during pre-
sent Session.

Arrestment of Wages (Scotland).

A

B I L L

To abolish the Arrestment of Wages in
Scotland.

(Prepared and brought in by
Mr. Thomas Duncombe and Mr. Hastie.)

Ordered, by The House of Commons, to be Printed,
11 April 1845.



(No. 2.)

A

B I L L

To amend the Law of Arrestment of Wages in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREAS an Act was passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, “An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Years of King GEORGE the Third, for the Recovery of Small Debts in Scotland:” And whereas another Act was passed in the first year of the reign of Her present Majesty, intituled, “An Act for the more effectual Recovery of Small Debts in the Sheriffs’ Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in Scotland:” And whereas it is expedient that the said Acts should be amended, more especially as regards the Arrestment of Wages; **B**E it ~~therefore~~ **E**nacted, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT from and after the *passing of this Act*, it shall not be lawful or competent to arrest Wages upon the dependence of any Action raised by virtue of the said recited Acts, any thing therein contained to the contrary notwithstanding.

Preamble.

1.

And be it Enacted, That it shall not be lawful to any Court before which any Action to arrest Wages shall be pursued, to decern therein for more than *One-third* of any Wages for the Arrestment of which the said Action is pursued.

2.
Limiting
amount of
Wages to be
decerned for.

And be it Enacted, That so much of the said Act of the sixth year of the reign of his Majesty King GEORGE the Fourth as relates to

3.
Service of
Citation on
Defenders.

citing

citing Defenders twice, in the event of the first Citation being left at the Defender's dwelling-place, shall be and the same is hereby accordingly repealed; and it shall not be lawful for any Court to hear, try or determine any cause or complaint raised under the authority of the said Acts or of this Act, unless a copy of the complaint and warrant therein, with the Citation annexed, together with a copy of the account, document of debt, or state of the demand, shall have been proved to have been served personally on the Defender *Three* clear Days previous to the hearing of the said cause or complaint.

4.
Payment of
Costs.

And be it Enacted, That the Costs of bringing any Action for the Arrestment of Wages as aforesaid, shall be borne in equal proportions by the Pursuer and the Defender, save and except in the event of the Court before which such Action shall be brought determining no debt to be due to the Pursuer, in which case the whole Costs and Expenses consequent thereon shall be borne by the Pursuer, together with such compensation to the Defender as the Court shall deem just, for the loss of time incurred by the Defender in appearing to the said Action, any law or practice to the contrary notwithstanding.

5.
Act may
be amended
during pre-
sent Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Arrestment of Wages (Scotland).

(No. 2.)

A

B I L L

To amend the Law of Arrestment of Wages
in Scotland.

*(Prepared and brought in by
Mr. Thomas Duncombe and Mr. Hastie.)*

*Ordered, by The House of Commons, to be Printed,
11 June 1845.*



A

B I L L

To make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery in certain Cases.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

5 **W**HEREAS by an Act passed in the fifth year of the reign of King GEORGE the Fourth, intituled, “An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen,” it was enacted, amongst other things, that “with every piece of work given out by the manufacturer to a workman to be done, there shall (if both parties are agreed, be delivered a Note or Ticket in such form as the said parties shall mutually agree upon:” And whereas it is expedient that, so far as relates to persons employed in the Woollen, Worsted, Linen, Cotton and Silk Hosiery Manufactures, such further provision should be made for delivery to them of a Note or Ticket of work as hereinafter is expressed; **BE it** 10 **therefore Enacted**, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the Authority of the same, THAT from and after the *First day of January in the year One thousand eight hundred and Forty-six*, when any manufacturer of hosiery, or the agent of any such manufacturer, gives out to a knitter of such goods the materials to be wrought, such manufacturer or agent shall at the same time deliver 20 to such knitter a printed or written Ticket, signed by such manufacturer or agent, containing the following particulars of the agreement between such manufacturer or agent and such knitter; (that is to say)

Preamble:
5 G. 4, c. 96.

1.
Manufacturer to deliver with Warp a Ticket of Work.

If the material to be manufactured be into Stockings, or any parts thereof—

Gauge:

Ribbed or plain:

	What kind of material :	
	Size :	
	Sacks in width :	
	Mark :	
	Length of leg :	5
	Length of foot :	
	Narrowings in leg :	
	Narrowings in heel :	
	Narrowings in gusset :	
	Narrowings in toe :	10
	Dumps or clocks :	
	Bound heels or toes :	
	Wrought heels or cut :	
	Wrought feet or cut :	
	Turnings in leg :	15
	Welled or not :	
	Weight per dozen :	
	Price per dozen :	
	Name of party putting out the work :	
	Name of artificer :	20
Socks.	If the material to be manufactured be into Socks, then such Ticket shall contain the following particulars ; (that is to say)	
	Gauge :	
	Ribbed or plain :	
	What kind of material :	25
	Size :	
	Sacks in width :	
	Mark :	
	Length of leg with top :	
	Length of foot :	30
	Narrowings in heel :	
	Narrowings in gusset :	
	Narrowings in toe :	
	Cut or wrought heels :	
	Cut or wrought feet :	35
	Price per dozen :	
	Name of party putting out the work :	
	Name of artificer :	
Gloves.	If the material to be manufactured be into Gloves, then such Ticket shall contain the following particulars :	
	Gauge :	40
	Ribbed or plain :	
	What kind of material :	
	Size :	
	Sacks in width of hand :	
		Sacks

Sacks in width of finger :

Mark :

Length of hand :

Length of finger :

5 What kind of welts :

Plaited or not :

What figure in back of hand :

Weight per dozen :

Price per dozen :

10 Name of party putting out the work :

Name of artificer :

If the material to be manufactured be into Shirts, then such Ticket Shirts.
shall contain the following particulars :

Gauge :

15 Ribbed or plain :

What kind of material :

Size :

Sacks in width of body :

Sacks in width of sleeve :

20 Mark :

Length of body :

Length of sleeve :

Fashioned or not :

Welled or not :

25 Weight per dozen :

Price per dozen :

Name of party putting out the work :

Name of artificer :

If the material to be manufactured be into Caps, then such ticket Caps.
30 shall contain the following particulars :

Gauge :

Ribbed or plain :

Material :

Sacks in width :

35 Fashion :

Striped or plain :

Weight per dozen :

Price per dozen :

Name of party putting out the work :

40 Name of artificer :

And such manufacturer or agent delivering such Ticket shall make
or cause to be made, and shall preserve until the work contracted
to be done shall have been completed or paid for, a duplicate of
such Note or Ticket.

2.
Ticket to be
Evidence.

And be it Enacted, That in the event of any dispute between the manufacturer and weaver, such Ticket, or the said duplicate thereof (in case such Ticket shall not be produced by the weaver), shall be evidence of all things mentioned therein, or respecting the same.

3.
When dispute arises as to imperfect execution of any Work, such Work to be produced in order to adjudication.

Provided always, and be it Enacted, That where the subject of dispute relates to the alleged improper or imperfect execution of any work delivered to a manufacturer or his agent, such piece of work shall be produced in order to adjudication, or if not produced, shall be deemed and taken to have been sufficiently and properly executed. 5

4.
Two Pounds penalty on Manufacturer for non-delivery of Ticket.

And be it Enacted, That if any manufacturer or agent shall neglect or refuse to deliver such Ticket to such knitter as aforesaid, with the materials so given out, and if such knitter shall complain thereof to any Justice of the Peace having jurisdiction in the place where the materials shall have been delivered out, and not disqualified from acting by the aforesaid Act of the fifth year of the reign of King GEORGE the Fourth, chapter ninety-six, such Justice may summon such manufacturer or agent to attend before such Justice at a time or place appointed for hearing the complaint, and set forth in the summons; and if the person to whom such summons so directed appears according to the tenor thereof, or if he does not appear, and the due service of the summons is proved, the said Justice may proceed to hear and determine the complaint; and if such neglect or refusal as aforesaid be proved, either by the confession of the party complained against, or by the oath of the complainant, or of any other credible witness or witnesses, such Justice may convict such offender, and may upon such conviction adjudge him to pay such penalty not exceeding *Five Pounds*, together with the costs attending the conviction as such Justice shall think fit, and the party so adjudged to pay such penalty and costs shall pay the same accordingly. 10 15 20 25 30

5.
Power of summoning Witnesses.

And be it Enacted, That if any of the parties to the said complaint shall make oath before any Justice having cognizance of such complaint that he or she believes that the attendance of any person as a witness will be material to the hearing of such complaint, such Justice may summon such person, having been paid or tendered a reasonable sum for his expenses, to appear and give evidence on oath before him at a time and place set forth in the said summons; and if any person so summoned shall not appear at the time and place set forth in the said summons, and shall not make excuse for the default to the satisfaction of such Justice, and if the due service of the summons be proved, or if such person appearing according to the summons shall not submit to be examined as a witness, then such Justice may adjudge such person so making default in appearing or refusing to give evidence to pay such penalty not 35 40

not exceeding as such Justice shall think fit, and the party so adjudged to pay such penalty shall pay the same accordingly.

5 And be it Enacted, That every summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, *Twenty-four* Hours at least before the time appointed by the summons for such person to appear.

6.
Service of
Summons

10 And be it Enacted, That if any such penalty or costs so adjudged by any Justice to be paid is not paid immediately upon adjudication, such Justice may issue his warrant to distrain and sell the goods and chattels of the person so adjudged to pay the same for the amount thereof, with costs ; and the proceeds of such distress, after paying the penalty and costs, and the costs of such distress and sale, shall be paid over to
15 the person convicted ; and the said penalty shall be paid over to the Sheriff or other proper officer of the county, city, borough or place in which such conviction shall take place, for Her Majesty's use, and shall be returned to the Court of Quarter Sessions, under the provisions of an Act passed in the third year of the reign of King
20 GEORGE the Fourth, intituled, " An Act for the more speedy Return and levying of Fines, Penalties and Forfeitures, and Recognizances estreated."

7.
Levying and
application of
Penalty.

3 G. 4, c. 46.

25 And be it Enacted, That no order or conviction or proceeding touching the same respectively shall be quashed for want of form, or be removed by certiorari or otherwise into any of Her Majesty's Superior Courts of Record ; and that when any distress shall have been made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same a trespasser, on account of any defect or want of form in the summons,
30 warrant, conviction, warrant of distress or other proceedings in relation thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for special damage (if any) by action on the case.

8.
No Certiorari
to be allowed.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

9.
Act may be
amended, &c.

Masters and Workmen.

A

B I L L

To make further Regulations respecting the
Tickets of Work to be delivered to Persons
employed in the Manufacture of Hosiery
in certain Cases.

(*Prepared and brought in by*
Mr. Greene, Sir Henry Hallford, Mr. Packer,
and Colonel Rolleston.)

Ordered, by The House of Commons, to be Printed,
3 July 1845.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To make further Regulations respecting the Tickets of Work to be delivered to Persons employed in the Manufacture of Hosiery in certain Cases.

[N. B.—*The Clause marked (A.) was added by the Committee.*]

WH~~EREAS~~ by an Act passed in the fifth year of the reign of King GEORGE the Fourth, intituled, “An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen,” it was enacted, amongst other things, that “with every piece of work given out by the manufacturer to a workman to be done, there shall (if both parties are agreed, be delivered a Note or Ticket in such form as the said parties shall mutually agree upon:” And whereas it is expedient that, so far as relates to persons employed in the Woollen, Worsted, Linen, Cotton and Silk Hosiery Manufactures, such further provision should be made for delivery to them of a Note or Ticket of work as hereinafter is expressed; ~~BE it~~ **therefore Enacted**, by The Q^{UEEN}’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** from and after the First day of January in the year One thousand eight hundred and Forty-six, when any manufacturer of hosiery, or the agent of any such manufacturer, gives out to a workman the materials to be wrought, such manufacturer or agent shall at the same time deliver to such workman a printed or written Ticket, signed by such manufacturer, containing the particulars of the agreement between such manufacturer and such workman, as in the Schedule to this Act annexed; and such

Preamble:
5 G. 4, c. 96.

1.
Manufacturer to deliver with materials a Ticket of Work.

manufacturer or agent delivering such Ticket shall make or cause to be made, and shall preserve until the work contracted to be done shall have been completed or paid for, a duplicate of such Note or Ticket.

2.
Ticket to be
Evidence.

And be it Enacted, That in the event of any dispute between the manufacturer or his agent and the workman, such Ticket, and the said duplicate thereof, shall be required to be produced, and shall, together or either of them, be evidence of all things mentioned therein, or respecting the same. 5

3.
When dispute arises as to imperfect execution of any Work, such Work to be produced in order to adjudication.

Provided always, and be it Enacted, That where the subject of dispute relates to the alleged improper or imperfect execution of any work delivered to a manufacturer or his agent, such piece of work shall be produced in order to adjudication, or if not produced, shall be deemed and taken to have been sufficiently and properly executed. 10

4.
Five Pounds penalty on Manufacturer for non-delivery of Ticket.

And be it Enacted, That if any manufacturer or agent shall neglect or refuse to deliver such Ticket to such workman as aforesaid, with the materials so given out, and if such workman shall complain thereof to any Justice of the Peace having jurisdiction in the place where the materials shall have been delivered out, such Justice may summon such manufacturer or agent to attend before Two Justices at a time or place appointed for hearing the complaint, and set forth in the summons; and if the person to whom such summons so directed appears according to the tenor thereof, or if he does not appear, and the due service of the summons is proved, the said Justices may proceed to hear and determine the complaint; and if such neglect or refusal as aforesaid be proved, either by the confession of the party complained against, or by the oath of the complainant, or of any other credible witness or witnesses, such Justices may convict such offender, and may upon such conviction adjudge him to pay such penalty not exceeding Five Pounds, together with the costs attending the conviction as such Justices shall think fit, and the party so adjudged to pay such penalty and costs shall pay the same accordingly: Provided always, That in all convictions of adjudications under this Act, One at least of the convicting or adjudicating Justices shall be a person not engaged in any manufacture, trade, occupation or employment to which this Act extends, and shall not be the father, son or brother of any such person. 15 20 25 30 35

5.
Power of summoning Witnesses.

And be it Enacted, That if any of the parties to the said complaint shall make oath before any Justice having cognizance of such complaint that he or she believes that the attendance of any person as a witness will be material to the hearing of such complaint, such Justice may summon such person, having been paid or tendered a reasonable sum for 40 for

for his expenses, to appear and give evidence on oath at a time and place set forth in the said summons; and if any person so summoned shall not appear at the time and place set forth in the said summons, and shall not make excuse for the default to the satisfaction of the Justices there
 5 present, and if the due service of the summons be proved, or if such person appearing according to the summons shall not submit to be examined as a witness, then such Justices may adjudge such person so making default in appearing or refusing to give evidence to pay such penalty not exceeding Two Pounds as such Justices shall think fit, and
 10 the party so adjudged to pay such penalty shall pay the same accordingly.

And be it Enacted, That every summons required by this Act shall be served by delivering the same to the person summoned, or by leaving the same at his or her usual place of abode, Twenty-
 15 four Hours at least before the time appointed by the summons for such person to appear.

6.
Service of
Summons.

And be it Enacted, That if any such penalty or costs so adjudged by any Justices to be paid is not paid immediately upon adjudication, such Justices may issue their warrant to distrain and sell the goods and chat-
 20 tels of the person so adjudged to pay the same for the amount thereof, with costs; and the proceeds of such distress, after paying the penalty and costs, and the costs of such distress and sale, shall be paid over to the person convicted; and the said penalty shall be paid over to the Sheriff or other proper officer of the county, city, borough or place
 25 in which such conviction shall take place, for Her Majesty's use, and shall be returned to the Court of Quarter Sessions, under the provisions of an Act passed in the third year of the reign of King GEORGE the Fourth, intituled, "An Act for the more speedy Return
 30 and levying of Fines, Penalties and Forfeitures, and Recognizances estreated."

7.
Levying and
application of
Penalty.

3 G. 4, c. 46.

And be it Enacted, That no order or conviction or proceeding touching the same respectively shall be quashed for want of form, or be removed by certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that when any distress shall have
 35 been made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same a trespasser, on account of any defect or want of form in the summons, warrant, conviction, warrant of distress or other proceedings in relation thereto, nor shall the party distraining be deemed a trespasser from the beginning on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for special damage (if any) by action on the case.

8.
No Certiorari
to be allowed.

9.
 CLAUSE (A.)
 Explanatory
 Clause.

And be it Enacted, That the word "manufacturer" in this Act shall be understood to mean any person furnishing the materials of work to be wrought into hosiery goods, to be sold or disposed of on his own account; and the word "agent" to include any person conveying or delivering the same to the workman; and the word "workman," any person actually employed in the manufacture of the same.

10.
 Act may be
 amended, &c.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE.

If the material to be manufactured be into Stockings :

Gauge :
 Ribbed or plain :
 What kind of material :
 Size :
 Jacks in width :
 Mark :
 Length of leg :
 Length of foot :
 Narrowings in leg :
 Narrowings in heel :
 Narrowings in gusset :
 Narrowings in toe :
 Dumps or clocks :
 Bound heels or toes :
 Wrought heels or cut :
 Wrought feet or cut :
 Turnings in leg :
 Weltd or not :
 Weight per dozen :
 Price per dozen pair of making legs :
 Price per dozen pair of making feet :
 Name of party putting out the work :
 Name of artificer :

If the material to be manufactured be into Socks :

Gauge :
 Ribbed or plain :

What

What kind of material :
Size :
Jacks in width :
Mark :
Length of leg with top :
Length of foot :
Narrowings in heel :
Narrowings in gusset :
Narrowings in toe :
Cut or wrought heels :
Cut or wrought feet :
Price per dozen pair :
Name of party putting out the work :
Name of artificer :

If the material to be manufactured be into Gloves :

Gauge :
Ribbed or plain :
What kind of material :
Size :
Jacks in width of hand :
Jacks in width of finger :
Mark :
Length of hand :
Length of finger :
What kind of welts :
Plaited or not :
What figure in back of hand :
Weight per dozen :
Price per dozen pair of making hands :
Price per dozen pair of making fingers :
Name of party putting out the work :
Name of artificer :

If the material to be manufactured be into Shirts :

Gauge :
Ribbed or plain :
What kind of material :
Size :
Jacks in width of body :
Jacks in width of sleeve :
Mark :
Length of body :
Length of sleeve :

Fashioned or not :
Welted or not :
Weight per dozen :
Price per dozen of making bodies :
Price per dozen pair of making sleeves :
Name of party putting out the work :
Name of artificer :

If the material to be manufactured be into Caps :

Gauge :
Ribbed or plain :
Material :
Jacks in width :
Fashion :
Striped or plain :
Weight per dozen :
Price per dozen :
Name of party putting out the work :
Name of artificer :

If the material to be manufactured be into any other description of
Hosiery :

Gauge :
Length :
Width :
Weight :
Price :
Fashion :
Name of party putting out the work :
Name of artificer.

Masters and Workmen.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To make further Regulations respecting the
Tickets of Work to be delivered to Persons
employed in the Manufacture of Hosiery
in certain Cases.

(Prepared and brought in by
*Mr. Greene, Sir Henry Halford, Mr. Packer,
and Colonel Rolleston.*)

*Ordered, by The House of Commons, to be Printed,
14 July 1845.*

505.
Under 1 oz.



A

B I L L

INTITULED

An Act to make further Regulations respecting
the Tickets of Work to be delivered to Silk
Weavers in certain Cases.

Note.—*The Figures in the Margin denote the Number of Folios
in the Written Copy.*

- 1 **W**HEREAS by an Act passed in the Fifth Year of the
Reign of King *George* the Fourth, intituled *An Act to* 5 G. 4. c. 96.
consolidate and amend the Laws relative to the Arbi-
tration of Disputes between Masters and Workmen, it was enacted,
amongst other things, that “with every Piece of Work given out
by the Manufacturer to a Workman to be done there shall (if
both Parties are agreed) be delivered a Note or Ticket in such
Form as the said Parties shall mutually agree upon:” And whereas
it is expedient that, so far as relates to Silk Weavers, such further
Provision should be made for Delivery to them of a Note or Ticket
of Work as herein-after is expressed: Be it therefore enacted by
the Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in
2 this present Parliament assembled, and by the Authority of the
same, That from and after the First Day of *January* in the Year
One thousand eight hundred and forty-five when any Manufacturer
(207.) A of Manufacturer to deliver with

Warp a
Ticket of
Work.

of Silk Goods or of Goods made of Silk mixed with other Materials, or the Agent of any such Manufacturer, gives out to a Weaver of such Goods a Piece of Warp to be woven, such Manufacturer or Agent shall at the same Time deliver to such Weaver (unless both Parties shall by Writing under their respective Hands agree to dispense therewith) a printed or written Ticket, signed by such Manufacturer or Agent, containing the following Particulars of the Agreement between such Manufacturer or Agent and such Weaver ; (that is to say,)

The Count or Richness of the Warp or Cane :

The Number of Shoots or Picks required in each Inch :

The Number of Threads of Weft to be used in each Shoot :

The Number of Days allowed for weaving any specified Length of Fabric :

The Name of the Manufacturer, or the Style of the Firm under which he carries on Business :

The Weaver's Name, with the Date of the Engagement :

And the Price in Sterling Money agreed on for executing each Yard Imperial Standard Measure of Thirty-six Inches of such Work in a workmanlike Manner :

And such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

Ticket to be
Evidence.

II. And be it enacted, That in the event of any Dispute between the Manufacturer and Weaver, such Ticket or the said Duplicate thereof (in case such Tickets shall not be produced by the Weaver) shall be Evidence of all Things mentioned therein, or respecting the same.

Two Pounds
Penalty on
Manufac-
turer for
Non-deliv-
ery of Tick-
et.

III. And be it enacted, That if any Manufacturer or Agent shall neglect or refuse to deliver such Ticket to such Weaver as aforesaid with the Warp so given out, and if such Weaver shall complain thereof to any Justice of the Peace having Jurisdiction in the Place where the Warp shall have been delivered out, such Justice may summon such Manufacturer or Agent to attend before such Justice at a Time or Place appointed for hearing the Complaint, and set forth in the Summons ; and if the Person to whom such Summons so directed appears according to the Tenor thereof, or if he does not appear, and the due Service of the Summons is proved, the

the said Justice may proceed to hear and determine the Complaint ; and if such Neglect or Refusal as aforesaid be proved either by the Confession of the Party complained against, or by the Oath of the Complainant, or of any other credible Witness or Witnesses, such
 4 Justice may convict such Offender, and may upon such Conviction adjudge him to pay such Penalty not exceeding Two Pounds, together with the Costs attending the Conviction, as such Justice shall think fit, and the Party so adjudged to pay such Penalty and Costs shall pay the same accordingly.

IV. And be it enacted, That if any of the Parties to the said Complaint shall make Oath before any Justice having Cognizance of such Complaint that he or she believes that the Attendance of any Person as a Witness will be material to the hearing of such Complaint, such Justice may summon such Person, having been paid or tendered a reasonable Sum for his Expences, to appear and give Evidence on Oath before him at a Time and Place set forth in the said Summons ; and if any Person so summoned shall not appear at the Time and Place set forth in the said Summons, and shall not make Excuse for the Default to the Satisfaction of such Justice, and if the due Service of the Summons be proved, or if such Person appearing according to the Summons shall not submit to be examined as a Witness, then such Justice may adjudge such Person so making default in appearing or refusing to give Evidence to pay such Penalty not exceeding Pounds as such Justice shall think fit, and the Party so adjudged to pay such Penalty shall pay the same accordingly.

Power of
summoning
Witnesses.

V. And be it enacted, That every Summons required by this Act shall be served by delivering the same to the Person summoned,
 5 or by leaving the same at his or her usual Place of Abode, Twenty-four Hours at least before the Time appointed by the Summons for such Person to appear.

Service of
Summons.

VI. And be it enacted, That if any such Penalty or Costs so adjudged by any Justice to be paid is not paid immediately upon Adjudication such Justice may issue his Warrant to distrain and sell the Goods and Chattels of the Person so adjudged to pay the same for the Amount thereof, with Costs ; and the Proceeds of such Distress, after paying the Penalty and Costs, and the Costs of such Distress and Sale, shall be paid over to the Person convicted ; and the said Penalty shall be paid over to the Sheriff or other proper

Levying and
Application
of Penalty.

Officer of the County, City, Borough, or Place in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of King *George* the 3 G. 4. c. 46. Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.*

No Certiorari to be allowed.

VII. And be it enacted, That no Order or Conviction or Proceeding touching the same respectively shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that when any Distress shall have been made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making 6 the same a Trespasser, on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings in relation thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for special Damage (if any) by Action on the Case.

Act may be amended,&c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

A

BILL

INTITLED

An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases.

(Presented by The Lord Lilford.)

Ordered to be printed 13th June 1845.

(207.)



A

B I L L



[AS AMENDED IN COMMITTEE]

INTITULED

An Act to make further Regulations respecting
the Tickets of Work to be delivered to Silk
Weavers in certain Cases.

Note.—*The Figures in the Margin denote the Number of Folios
in the Written Copy.*

¹ **W**HEREAS by an Act passed in the Fifth Year of the
Reign of King *George the Fourth*, intituled *An Act to* 5 G. 4. c. 96.
consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen, it was enacted,
amongst other things, that “with every Piece of Work given out
by the Manufacturer to a Workman to be done there shall (if
both Parties are agreed) be delivered a Note or Ticket in such
Form as the said Parties shall mutually agree upon:” And whereas
it is expedient that, so far as relates to Silk Weavers, such further
Provision should be made for Delivery to them of a Note or Ticket
of Work as herein-after is expressed: Be it therefore enacted by
the Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in
² this present Parliament assembled, and by the Authority of the
(324.) A same,

Manufac-
turer to
deliver with
Warp a
Ticket of
Work.

same, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-five when any Manufacturer of Silk Goods or of Goods made of Silk mixed with other Materials, or the Agent of any such Manufacturer, gives out to a Weaver of such Goods a Piece of Warp to be woven, such Manufacturer or Agent shall at the same Time deliver to such Weaver (unless both Parties shall by Writing under their respective Hands agree to dispense therewith) a printed or written Ticket, signed by such Manufacturer or Agent, containing the following Particulars of the Agreement between such Manufacturer or Agent and such Weaver ; (that is to say,)

The Count or Richness of the Warp or Cane :

The Number of Shoots or Picks required in each Inch :

The Number of Threads of Weft to be used in each Shoot :

The Number of Days allowed for weaving any specified Length of Fabric :

The Name of the Manufacturer, or the Style of the Firm under which he carries on Business :

The Weaver's Name, with the Date of the Engagement :

And the Price in Sterling Money agreed on for executing each Yard Imperial Standard Measure of Thirty-six Inches of such Work in a workmanlike Manner :

3

And such Manufacturer or Agent delivering such Ticket shall make or cause to be made, and shall preserve until the Work contracted to be done shall have been completed or paid for, a Duplicate of such Note or Ticket.

Ticket to be
Evidence in
Cases of Dis-
pute :

II. And be it enacted, That in the event of any Dispute between the Manufacturer or his Agent and the Workmen, such Ticket and the said Duplicate thereof shall be required to be produced, and shall, together or either of them, be Evidence of all things mentioned therein, or respecting the same.

and Work
to be pro-
duced in
order to
Adjudica-
tion.

III. Provided always, and be it enacted, That where the Subject of Dispute relates to the alleged improper or imperfect Execution of any Work delivered to any Manufacturer or his Agent, such Piece of Work shall be produced, in order to Adjudication, or if not produced shall be deemed and taken to have been sufficiently and properly executed.

Power of
summoning
Witnesses.

IV. And be it enacted, That if any of the Parties to the said Complaint shall make Oath before any Justice having Cognizance

of

of such Complaint that he or she believes that the Attendance of any Person as a Witness will be material to the hearing of such Complaint, such Justice may summon such Person, having been paid or tendered a reasonable Sum for his Expences, to appear and give Evidence on Oath before him at a Time and Place set forth in the said Summons; and if any Person so summoned shall not appear at the Time and Place set forth in the said Summons, and shall not make Excuse for the Default to the Satisfaction of such Justice, and if the due Service of the Summons be proved, or if such Person appearing according to the Summons shall not submit to be examined as a Witness, then such Justice may adjudge such Person so making default in appearing or refusing to give Evidence to pay such Penalty not exceeding Five Pounds as such Justice shall think fit, and the Party so adjudged to pay such Penalty shall pay the same accordingly.

V. And be it enacted, That every Summons required by this Act shall be served by delivering the same to the Person summoned, or by leaving the same at his or her usual Place of Abode, Twenty-four Hours at least before the Time appointed by the Summons for such Person to appear. Service of Summons.

VI. And be it enacted, That if any such Penalty or Costs so adjudged by any Justice to be paid is not paid immediately upon Adjudication such Justice may issue his Warrant to distrain and sell the Goods and Chattels of the Person so adjudged to pay the same for the Amount thereof, with Costs; and the Proceeds of such Distress, after paying the Penalty and Costs, and the Costs of such Distress and Sale, shall be paid over to the Person convicted; and the said Penalty shall be paid over to the Sheriff or other proper Officer of the County, City, Borough, or Place in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of King George the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated.* Levying and Application of Penalty. 3 G. 4. c. 46.

VII. And be it enacted, That if any Silk Manufacturer or other Party employing, contracting, or engaging with any Person for any Work in any Branch of the said Manufacture, or connected therewith or incidental thereto, or for specific Work, or otherwise, and whether such Person is to be paid according to the Nature or Amount of the Recovery of Wages and Sums due for Work.

Work done, the Time employed, or any other Manner, shall not from Time to Time pay and discharge all such Sums of Money and Wages as shall be justly due and payable to any such Person, it shall be lawful for a Justice of the Peace, on Complaint made for that Purpose, to summon such Manufacturer or other Party to appear at a Time and Place to be named in such Summons, and for any Two or more Justices of the Peace to hear and determine such Complaint, and order Payment of such Sum as shall appear to such Justices to be justly due and payable, together with Costs for Loss of Time and recovering the same, and in default of Payment immediately, or within such Period as the said Justices shall direct, the said Justices shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of the said Manufacturer or other Party; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Person to return his Work unfinished; and such Justices shall also fine such Manufacturer or other Party for such Neglect of Payment, if the First Offence Five Pounds, and for the Second Ten Pounds, and Five Pounds extra for every succeeding Offence, unless the said Manufacturer or other Party shall deliver to the said Person employed a Notice in Writing, within Four-and-twenty Hours after such Refusal to pay to the said Person employed the Amount of Wages due, stating the Reasons for such Refusal in full, and that the said Manufacturer or other Party intends to have such Work arbitrated.

No Certiorari to be allowed.

VIII. And be it enacted, That no Order or Conviction or Proceeding touching the same respectively shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and that when any Distress shall have been made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making 6 the same a Trespasser, on account of any Defect or Want of Form in the Summons, Warrant, Conviction, Warrant of Distress, or other Proceedings in relation thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for special Damage (if any) by Action on the Case.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain Cases.

(Presented by The Lord Lilford.)

Ordered to be printed 24th July 1845,

(324.)



A

B I L L

For amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it has been found by experience that the laws concerning Highways, Bridges and Ferries in Scotland, and concerning the Statute Service for making and repairing them, and the conversion thereof in money, may be amended in various particulars :

Preamble.

And whereas it is expedient that further regulations should be made concerning the said Highways, Bridges and Ferries, and that the system of managing them should be rendered more uniform ;

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, all the enactments, provisions, matters and things in this Act contained shall extend to all Highways, Bridges and Ferries in Scotland, to which Statute Service, or the conversion thereof in money, is or shall be applied, and to all Acts of Parliament now in force or which shall hereafter be passed affecting such Highways, Bridges or Ferries in Scotland, saving and excepting such enactments, provisions, matters and things as shall be expressly varied, altered or repealed by any Act that shall be hereafter passed.

1.
This Act to apply to all Statute Service Roads, &c.

2.
Trustees to include Justices, &c.

And be it Enacted, That Justices of the Peace and Commissioners of Supply acting in the execution of this or any Act of Parliament for

making and repairing Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, shall be held in this Act to be included under the description of Trustees acting as aforesaid.

3.
Regulation of
Meetings.

And be it Enacted, That all Trustees acting in the execution of this or any Act of Parliament for making and repairing Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, shall at all their meetings pay their own expenses, and shall in the first place appoint a Preses at every meeting, who in case of an equal number of votes, including his own, shall have the casting vote; and no order or determination at any such meeting once made or agreed upon shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting, and entered in the minutes of such meeting, and transmitted by post to every Trustee not present at such previous meeting, who shall have been present at the meeting where such order or determination was made, and such notice shall also be published by Two several advertisements in some newspaper usually circulated in the county or district of the county where the Road or Roads or the principal part thereof shall be, *Ten Days* at least previous to such subsequent meeting; and it shall be lawful for any Two Trustees as aforesaid at any time to call or require their Clerk to call a meeting: Provided always, That notice of such meeting and of the purpose thereof shall be published by Two advertisements as aforesaid.

4.
Officers to be
appointed and
Security to be
taken.

And be it Enacted, That all such Trustees acting as aforesaid may and are hereby authorized to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors and other officers, with reasonable allowances for their trouble, and to take such security from any of them for their intrusions, and for the faithful discharge of their duty, as may be deemed expedient; and no person acting as such Trustee, Clerk, Collector, Treasurer, Superintendent, Surveyor or other officer, shall directly or indirectly have or hold any share or interest in any contract for making or repairing any of the said Highways, Bridges or Ferries, under a penalty of *Twenty Pounds*.

5.
Trustees may
pursue and be
pursued in
the name of
their Clerk,
&c.

And be it Enacted, That all such Trustees acting as aforesaid may pursue and be pursued in the name of their Clerk or Treasurer for the time being; and no action or process shall cease by the death or removal of such Clerk or Treasurer, but shall be continued in the name of the Clerk or Treasurer for the time.

6.
Books of
Minutes and
Accounts to
be kept.

And be it Enacted, That all such Trustees acting as aforesaid shall cause a book or books to be kept, in which shall be entered all the minutes of their orders and proceedings, as also true and regular accounts of all service performed, and of all money received and expended

expended on account of the Highways, Bridges and Ferries under their charge, specifying the sums applied to ordinary repairs, and to improvements of each Road, and to management and expenses, and the sums due and not recovered, as also the amount of debt and interest thereof; and such accounts shall be annually made up in each county or district of a county before the last day of December, and shall be annually audited and signed by Two of the said Trustees, or by their Preses, if more than Two be present; and any person having performed service, or paid the conversion in money for the past or current year, may see and take a copy of the said accounts, or any part thereof, on paying *One Shilling* to the Clerk for each time of inspection; and any Clerk neglecting to make up such accounts before the Thirty-first day of December of the said current year, or refusing or not permitting inspection of such accounts as aforesaid, shall forfeit and pay a sum not exceeding *Five Pounds* to any such person, who shall prosecute for the same, with the expenses of process or proceedings; and it shall not be lawful for any person whatsoever to act in any way in the collection of another year's conversion, or in the expenditure of the same, until such accounts shall have been made up, audited and signed as above directed.

Accounts to be audited.

Permission to inspect Accounts.

And be it Enacted, That it shall not be lawful to commence any legal process or proceeding for the recovery of any sum due or leivable as conversion of Statute Service for making or maintaining any Highway, Bridge or Ferry, after the Thirty-first day of December in the year for which the said service or money is due.

7.
No process for recovery of conversion to commence after the last day of the year.

And be it Enacted, That it shall not be lawful to recover by any warrant or legal process or proceeding whatsoever, other than that provided by an Act passed in the seventh year of King WILLIAM the Fourth and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in Scotland," any sum under the amount of *Eight Pounds Six Shillings and Eight-pence*, due or leivable as conversion of Statute Service for making or maintaining any Highway, Bridge or Ferry, saving and excepting such proceedings as shall have been commenced before the *Term of Martinmas One thousand eight hundred and Forty-five*, which, notwithstanding any thing herein contained, may be continued and carried on in all respects as if this Act had not been passed.

8.
Process for recovery of sums under 8 *l.* 6 *s.* 8 *d.* 7 W. 4, and 1 Vict. c. 41.

And be it Enacted, That from and after this present year *One thousand eight hundred and Forty-five*, it shall not be lawful to require any person, not being the proprietor or occupier of lands, buildings or other heritable subjects rented or valued at *Five Pounds* or more yearly, to work or perform Statute Service on any Highway, Bridge or Ferry, or to exact or levy money from any such person as con-

9.
No person liable to work or pay who does not possess a house, &c. valued at 5 *l.* yearly.

version of Statute Service or otherwise, for making or maintaining any Highway, Bridge or Ferry ; and all warrants for poinding or imprisonment, and other legal proceedings whatsoever against any such person as aforesaid on account of non-performance of such work or service, or non-payment of such money or conversion, are hereby prohibited and discharged, saving and excepting such proceedings as shall have been commenced before the *last day of December One thousand eight hundred and Forty-five*, which, notwithstanding anything herein contained, may be continued and carried on in all respects as if this Act had not been passed.

10
Power to get
materials.

And be it Enacted, That it shall be lawful for all such Trustees acting as aforesaid, or any person authorized by them, to search for, dig and carry away materials for making or repairing any Highway, Bridge or Ferry, or for building, making or repairing any work connected therewith from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages, or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person, such Trustees or other persons authorized by them filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud or rubbish, such damages to be ascertained as hereinafter mentioned ; and also that it shall be lawful for such Trustees and other persons authorized by them as aforesaid to search for, dig and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person (such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously in use to be taken by the said Trustees), making or tendering such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable ; and in case such Trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the shire wherein the place from whence such materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the application of either party, with induciæ of *Six Days*, to hear and determine all questions as to the amount of such payments and damages,

Satisfaction.

damages, and the expenses attending the same: Provided always, That before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, *Fourteen* Days' previous notice in writing, signed by Two Trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the Sheriff or any Two Justices of the Peace acting for the shire where the said lands are situate, to show cause why such materials shall not be so taken; and in case such proprietor, occupier or agent shall attend pursuant to such notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such materials, or make such order as they shall think fit.

Notice to be given before materials are taken from inclosed lands.

And be it Enacted, That it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for making or repairing any Highway, Bridge or Ferry, or to take any materials out of any quarry which shall have been opened by any such Trustees for the purpose of getting materials, so as to interrupt or interfere with the workings carried on by such Trustees; and every person so offending shall for every such offence forfeit and pay any sum not exceeding *Five Pounds*.

11.

Penalty on taking away materials provided for repairing Highways, Bridges or Ferries.

And be it Enacted, That it shall be lawful for all such Trustees to make a Road through the grounds adjoining to any ruinous or narrow part of any Highway (not being an orchard, garden, lawn, policy, planted walk or avenue to any house, or nursery for trees), to be made use of as a public Highway whilst the old road is repairing or widening, making recompense to the proprietor and occupier of such grounds for the damages they may thereby sustain; and in case such Trustees and such proprietor or occupier shall differ as to the amount of such damages, it shall be competent to the Sheriff or Justices of the Peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an induciæ of *Six* Days, to hear and determine all questions as to the amount of such damages, and the expenses attending the same.

12.

Power to use adjoining ground as a temporary Road.

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient side drains on any Highway, with power to conduct the water therefrom into any adjoining land, ditch or watercourse, (such land not being the site of any house or garden), in such manner as shall be least injurious to the proprietor or occupier of such land; the said side drains to be maintained at the expense of the Trustees.

13.

Trustees to make Side Drains.

14.
Trustees to
make Ditches.

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient ditches along the side of any Highway, provided that if the land is inclosed on the side of such Highway such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such Highway (not being the site of any house or garden), in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any Highway, when so required by the said Trustees or their Surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds: Provided always, That nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the Trustees, any other equally effectual ditch or outlet in place of that constructed by the Trustees.

15.
Timber,
Stones, &c.
left on Roads
may be
seized.

And be it Enacted, That it shall be lawful for any such Trustee or Surveyor of any Highway, or other person authorized by the said Trustees, *brevi manu*, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever, laid or left upon any such Road or footpath, or on any side drain or ditch of such Road, and to sell or otherwise dispose of the same as a forfeiture, in such manner as the Trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof, by payment of the penalty in such case enacted: Provided always, That the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any Highway, such materials occupying *One-fourth* part of such Road only, and such proprietor or occupier giving *Three Days'* previous notice in writing to the Clerk or Surveyor of the Road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the Trustees may require.

16.
Penalties on
persons mak-
ing Encroach-
ments.

And be it Enacted, That if any person shall fill up or obstruct any ditch at the side of any Highway, or any ditch used for conveying water from the said Road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling-house or other building, or any hedge, ditch or other fence, or in any other manner

manner whatever, on any Highway, or shall make any drain, gutter, sink or watercourse across, under or upon, or shall turn or conduct any drain or water across, under or upon, or in any way break up the surface of any Highway, without the consent in writing of the Trustees of such Highway, or of their Surveyor, such person shall forfeit for every such offence a penalty not exceeding *Five Pounds*; and it shall be lawful for the Trustees of any such Highway to cause such dwelling-house or other building, hedge, ditch or fence, drain, sink, watercourse, gutter or other encroachment to be taken down or filled up at the expense of the person so offending.

And be it Enacted, That it shall be lawful for all such Trustees, where the parapet of any bridge, or any fence, milestone, direction post, or any erection, building, matter or thing belonging to the said Trustees, or used for the purposes of the trust under their management, shall be destroyed or injured, and the persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the shire in which such damage shall have been committed, having previously given notice in writing of their intention of making such complaint on the church door of the parish in which the said damage shall have been committed for Two consecutive Sundays, and which complaint the said Sheriff or Justices shall hear in a summary way, and if they shall sustain the same, they are hereby empowered and required to assess the amount of such damage, and the expenses of process or proceedings upon the proprietors, occupiers and such other persons of the parish wherein such damage shall have been committed as aforesaid, as would if this Act had not been passed have been liable for the payment of the conversion money leviable for Statute Labour in the shire in which such parish is situated; which assessment shall be levied by the said Trustees upon the same persons, in the same proportions, with the same relief to landlords against tenants, and in the same manner as the said conversion money may be levied; and in the event of any fractional part of such assessment being less than a *Halfpenny*, the whole of such *Halfpenny* shall be leviable from the individual in whose assessment such fraction shall occur, and any surplus that may arise therefrom shall be applied to the repair of the Roads.

17.
Parishes shall
defray da-
mages to
Parapets, &c.

And be it Enacted, That if any person shall ride upon any footpath or causeway on or by the side of any Highway made or set apart for the use or accommodation of foot passengers, or shall lead or drive any horse, ass, mule, swine or cattle, or carriage of any description, or any wheelbarrow, truck or sledge, or any single wheel of any waggon, cart or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct or do, or cause any injury or damage to be done to the same, or to the hedges, posts, rails or fences thereof;

18.
Penalty on
persons com-
mitting
Nuisances, &c.

thereof; or shall wilfully pull down or damage any bridge, wall or any building, fence or erection, made by the Trustees of any Highway, or repaired or repairable by them; or shall break, injure, remove or displace any tools, trestles, bars, stones, materials or other article whatsoever, belonging to such Trustees, or used on any such Road 5 under their authority; or shall haul or draw, or cause to be hauled or drawn, upon any part of any Highway, any timber, stone or other thing otherwise than upon a wheeled carriage, or shall suffer any timber, stone or other thing which shall be carried principally or in part upon a wheeled carriage to drag or trail upon such Road; or in 10 ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough or harrow in or upon such Road or the side drains or ditches thereof; or shall, in or upon such Road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress or cut up any beast, swine, calf, 15 lamb or other cattle; or if any person driving any carriage, cart, horse or other beast on such Road, conveying any iron bar or rod, tree, wood, stone, basket or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than *Thirty* Inches from the side of such horse or other 20 beast, or more than *One Foot* laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast or carriage travelling along such Highway; or if any person shall carry any timber or other article above *Twenty-five* Feet long on any cart or carriage 25 not having more than Two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any Highway; or if any person occupying or using a blacksmith's shop, foundery, smelting-house, iron or brass work, boiler-making work, glass-work, soda, soap, or 30 chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon such Road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or 35 shall set fire to, or let off or throw any squib, rocket, serpent or other firework whatsoever within *One hundred* Feet of the centre of such Road, or shall discharge any gun, pistol or other fire-arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon 40 such Road or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart or other carriage whatever upon such Road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases

cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage, during the time of loading or unloading the same, or of taking refreshments, as near to one side of such Road as conveniently may be, either with or
 5 without any horse or beast of draught harnessed or yoked thereto, or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish or other matter or thing whatsoever upon such Road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linen clothes or other such article on any hedge
 10 or fence of any such Road; or shall suffer any water, filth, dirt or other offensive matter or thing whatsoever to run or flow into or upon such Road or footpaths, from any house, building, erection, lands or premises adjacent thereto; or if any person driving any pigs or swine upon such Road shall suffer such pigs or swine to root up or damage
 15 such Road, or the fences, hedges, banks or copse on either side thereof respectively; or if any person shall, after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such Road the stone or other thing with which such cart or other carriage shall have been blocked or
 20 stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp-post, put up, erected or placed in or near the side of any Highway, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding *Fifty Shillings*,
 25 over and above the damages occasioned thereby.

And be it Enacted, That if the driver of any cart, waggon or other such carriage on any Highway shall ride on the shafts or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart
 30 or carriage, or shall at any time leave the same travelling on any such Road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart or other such carriage, or shall not chain or fasten the same to such waggon, cart or carriage;
 35 or if the driver of any sort of carriage shall not keep to the left or near side of such Road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage, such driver shall for every such offence forfeit and pay a sum not exceeding *Five Pounds*, over and above the damages
 40 occasioned thereby.

19.
Regulation of
Drivers.

And be it Enacted, That if One person act as the driver of more than Two carts, waggons or other such carriages on any Highway, or if the hinder of Two carts, waggons or other such carriages, under the care of only one person, shall be drawn by more than One
 205. B horse,

20.
One driver
may take
charge of
Two Carts.

horse, or if the horse of such hinder cart, waggon or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than *Six Feet*, the owner or driver of every such waggon, cart or other carriage shall for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding *Forty Shillings*. 5

21.
Children not
to drive Carts,
&c.

And be it Enacted, That no waggon or cart travelling on any Highway shall be driven by any person who shall not be of the full age of *Fourteen Years*, under a penalty for each such offence not exceeding *Forty Shillings*, to be paid by the owner of such waggon or cart. 10

22.
Persons
opening up or
conveying
water across
the Roads or
Causeways
must repair
them.

And be it Enacted, That if the causeways and footpaths of any Highway, or any part of such Highway, shall be opened up by any person or persons, with leave of the said Trustees, or otherwise having authority so to do, for the laying of pipes for water, gas, tunnels or railroads, or for any other purpose whatever, and the same shall not be immediately thereafter repaired, renewed and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said Trustees or their Surveyor, then the said Trustees or their Surveyor shall have full power, and they are hereby authorized to execute the necessary repairs on the part or parts of such Road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the said Trustees or a quorum of them, or of their Clerk or Surveyor; and if any damage shall happen to the public from the operations of the persons opening up the Road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all expenses attending the same; and in all cases where any injury shall arise to any Highway from any drain, conduit, pipe, water, matter or thing whatsoever being conveyed across, in, under or upon, or by any thing done upon any part of any such Road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the Trustees, they or their Surveyor are hereby authorized to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept. 15 20 25 30 35

23.
Surveyors,
&c. not to
leave Nui-
sances on
Roads.

And be it Enacted, That if the surveyor of any Highway, or any contractor or other person employed on such Road, shall lay on any part of any such Road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than necessary 40

necessary for the breaking and spreading of such materials; or shall lay on any such Road any matter or thing, or shall knowingly permit to remain on any part of any such Road any matter or thing which may endanger the safety of any passenger; or shall
 5 dig any pit or make any cut on any Highway, without sufficiently fencing the same; such person shall for every such offence forfeit and pay a sum not exceeding *Five Pounds*, over and above the damages occasioned thereby, and expenses; and it shall be lawful for any person travelling along any Highway to prosecute
 10 for such sum, damages and expenses in manner hereinafter provided: Provided always, That it shall be lawful for any such Surveyor, contractor or other person to have on any such Road, during daylight, any trestles or bars, in any such manner as the Trustees of such Road may judge necessary to prevent interruption of the work
 15 during the repairing of the Road, or to prevent carts or carriages from running in tracks injurious to the Road: Provided also, That such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from
 20 running in tracks injurious to the Road.

And be it Enacted, That if the proprietor or occupier of any lands adjacent to any Highway shall dig any pit or make any cut upon or within Twelve Feet of the side of any such Road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence
 25 the same when required so to do by any Two of the Trustees of such Road, or any Procurator Fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding *Five Pounds* for every day such pit or cut shall continue to be unfenced beyond *Three Days* after notice shall have
 30 been given as aforesaid, and it shall be lawful, after such notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

24.
Proprietors to
fence Pits
made near
the Roads.

And be it Enacted, That if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying on any Highway, or the sides thereof (except
 35 on such parts of any Road as pass through or over any common or waste ground, or land not inclosed, or arable on both sides), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not
 40 exceeding *Five Shillings* for every such beast; and it shall be lawful for any Trustee of such Highway, or the Surveyor of such Trustees, or any other person authorized by them, *brevi manu*, to seize and detain the same until such penalty and the expenses of process and

25.
No Animal to
be pastured
on the Roads.

proceedings shall be paid ; and in case the said penalty and expenses shall not be paid within *Three Days* after notice of such detention shall be given at the parish church nearest to the place where such animal shall be found, the said Surveyor or other person shall sell the same, with the authority of the Sheriff or any Justice of the Peace for the shire, who are hereby empowered to grant such authority ; and after deducting the amount of the said penalty and expenses, such Surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained. 5

26.
Side ridges to
be made in
uninclosed
lands.

And be it Enacted, That every person in ploughing any uninclosed land adjoining any Highway shall make side ridges along the sides of such Road of the breadth of *Twelve Feet* at the least, under a penalty not exceeding *Five Pounds*. 10

27.
Gates to open
inwards.

And be it Enacted, That no gate of any park, field or inclosure whatsoever shall be made to open into or towards any part of any Highway, or be suffered so to open, except the hanging post thereof shall be fixed or placed so far from the centre of any part of such Road as that no part of such gate shall, when open, project over any part of such Road, or of any footpath belonging thereto ; and the occupier of any park, field or inclosure having any gate opening outwards, contrary to the meaning of this Act, shall, within *Six Days* after notice to him or her given, either personally or in writing, from the Trustees of such Road, or their Surveyor, cause such gate to be hung so that no part of the gate, when open, shall project over any part of such Road, or of any footpath belonging thereto ; and if such occupier fail so to do, the Surveyor of any such Road shall cause the gate to be hung as hereinbefore directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall, over and above such expense, forfeit and pay a further sum, not exceeding *Five Pounds*, for such neglect. 15 20 25 30

28.
Weeds to be
cut by Trus-
tees.

And be it Enacted, That the Trustees of every Highway shall cut, or cause to be cut, all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed ; and if they fail so to do for *Eight Days* after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their Clerk or Surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said Trustees. 35

29.
Owners of
waggons, car-
riages, &c.
shall cause
their names
to be painted
thereon.

And be it Enacted, That the owner of every waggon or cart, and also of every coach, post-chaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally, upon some conspicuous part on the off or right side of his waggon or cart, 40

cart, and upon the panels of the doors of all such coaches, post-chaises or other carriages, before the same shall be used upon any Highway, the christian and surname and place of abode of such person, or the christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground, or of a light colour on a dark ground, not less than *One Inch* in height, with numbers beginning with number One, where more of such carriages respectively than One shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid, so long as such waggon, cart or other carriage shall be used upon any Highway; and every owner of any such waggon, cart or other carriage using or allowing the same to be used upon any Highway without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall forfeit for every such offence a sum not exceeding *Forty Shillings*; and every waggon or cart, and every such coach, post-chaise or other carriage let for hire without the name, surname and place of abode of the owner painted thereon as hereinbefore directed, or having the same or any part thereof covered or placed so as to be illegible, shall be liable to pay *Double Toll Duty*; and every person driving any such waggon, cart or other carriage, who shall refuse to stop and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding *Forty Shillings*.

And be it Enacted, That it shall be lawful for the Procurator Fiscal and for all such Trustees, or any person authorized by them, or for any one of their number, to prosecute for any expenses, penalty, forfeiture or fine imposed by this or any Act made for making or maintaining any Highway, Bridge or Ferry, and to recover the same before the Sheriff or the Justices of the Peace of the shire in which the same shall have become due or been incurred, or where the offender shall reside, subject to appeal in manner hereinafter mentioned; and it shall be lawful for the said Trustees to allow the expenses of such prosecutions to be defrayed out of the funds of the Trust.

And be it Enacted, That all expenses, penalties, forfeitures and fines imposed by this or any such Act as aforesaid (excepting such penalties as are herein otherwise directed to be recovered and applied), shall, after hearing the party complained of, or on the non-appearance of such party after summons, on an induciæ of *Six Days*, personally, or at the dwelling-place of such party (of which the oath of One witness, or an execution of citation without witnesses, shall be sufficient evidence), upon proof of the fact before the Sheriff or Justices of the Peace for the shire in which the same shall have become due or been incurred, or where the offender shall reside, either by the confession of the party offending, or by the oath of any One credible witness, or other

30.
Trustees may prosecute before Sheriff and Justices at the expense of the Trust.

31.
Proceedings for recovering penalties, &c.

competent evidence, be levied, together with the expenses of the prosecution and conviction, by poinding and sale of the goods and effects of the party offending, by warrant under the hand of such Sheriff or Justices (which warrant such Sheriff or Justices are hereby empowered to grant); and the surplus (if any), after deducting such expenses, penalties, forfeitures and fines, and the expenses of the proceedings and charges of such poinding and sale, shall be returned to the owner of such goods and effects; and in case the same shall not be forthwith paid upon conviction, then it shall be lawful for such Sheriff or Justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of poinding, unless the offender shall give sufficient security, to the satisfaction of and to the amount fixed by such Sheriff or Justices, for his or her appearance before such Sheriff or Justices on such day as shall be appointed for the return of such warrant of poinding, which security the said Sheriff or Justices are hereby empowered to take by bond of caution or otherwise; but if upon the return of such warrant it shall appear that no sufficient goods and effects can be found, then it shall be lawful for the said Sheriff or Justices, in all cases where the penalties sought to be recovered shall exceed the sum of *Forty Shillings*, and they are hereby authorized and required, by warrant under their hand, to cause such offender to be committed to the common gaol or house of correction of the shire where the offender shall be or reside, there to remain for any time not exceeding *Four Months*, unless such expenses, penalties, forfeitures and fines, and the expenses of the proceedings, shall be sooner paid; and in all cases where the penalties awarded shall be less than the sum of *Forty Shillings*, the said Sheriff or Justices may, when no effects can be found as above, commit the offender to prison for any time not exceeding *Two Months*, unless the said penalties, fines and expenses shall be sooner paid; and the monies arising by such penalties, forfeitures and fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the expenses of the proceedings, shall be paid to the Trustees for making and maintaining the Roads, or to their Treasurer, and applied and disposed of for the purposes of such Roads.

32.
Summary
process.

And be it Enacted, That it shall be lawful for the Sheriff or any One Justice before whom any complaint for the recovery of any such expenses, penalties, forfeitures or fines may be brought, to proceed, if such Sheriff or Justice, duly considering the nature of the case, shall think fit, and not otherwise, in a summary way, and to grant warrant for bringing the parties complained upon before him for examination; and after hearing parties on confession or probation by the oath of any credible witness, or other competent evidence,

evidence, to proceed to determine thereon without any written pleadings or record of evidence, and to grant warrant for levying the said penalties by poinding and sale; and in the case of a return of no effects, or in case it shall appear to the satisfaction of such Sheriff or Justice that no sufficient effects can be found, for commitment of the offender as above enacted; but in all such cases a record shall be preserved of the charge and of the judgment pronounced.

And be it Enacted, That if any person shall be summoned as a witness to give evidence before any Sheriff or before any Justice of the Peace touching any matter contained in any Act relating to Highways, Bridges or Ferries, or in this Act, either on the part of the prosecutor or the person accused, and shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for such refusal or neglect, then such person shall forfeit for every such offence any sum not exceeding *Five Pounds*, and it shall be no objection to any witness that such witness shall have appeared without citation, or without having been regularly cited.

33.
Attendance
of Witnesses.

AND whereas offences may be committed against this Act or other Acts for making and maintaining Highways, Bridges or Ferries by persons unknown to the Surveyors or other officers; BE it therefore Enacted, That it shall be lawful for any of the Trustees of any Highway, or any of their Clerks, or their Surveyors, or other officers respectively, and such other person as any of them shall call to their assistance, or for any person seeing any offence committed against this or any such Act, without any warrant or other authority than this Act, brevi manu, to seize and detain any unknown person who shall commit any such offence, and take such person without delay before the Sheriff or any neighbouring Justice of the Peace for the shire where the offence shall have been committed, or where such offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution de judicio sisti be found, or shall proceed in the summary way above directed, as the case may seem to require.

34.
For securing
transient
Offenders.

And be it Enacted, That any person who shall think himself or herself aggrieved by any judgment or proceedings of any Justice or Justices of the Peace in the execution of this Act, for which no particular relief has been hereby provided, may, within *Three Months* after such judgment or proceedings, but not afterwards, appeal to the Justices of the Peace at the Quarter Sessions, the appellant giving *Fifteen Days'* previous notice of such appeal to the opposite party, and to the Clerk of the said Trustees, and the Clerk of the Justices of the Peace, and finding caution to pay the expenses of such appeal; and where by this Act the adjudging of any penalty, forfeiture,

35.
Appeal.

Judgment of
Sheriff or

Quarter Sessions to be final.

ture or fine, or the determining the amount of any payment, damages or expenses, or any other matter, is committed to any Justice or Justices of the Peace, or to the Sheriff, or to the Justices of the Peace assembled in their Quarter Sessions, originally or by appeal, all judgments, determinations and proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to review by advocacy or suspension or by reduction, or by any process of law or court whatsoever; any law or usage to the contrary notwithstanding.

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36.

Warrants, &c. may be enforced in any other County.

And be it Enacted, That all warrants, interlocutors, judgments and sentences of Sheriffs and Justices, issued or pronounced under the authority of this Act, may be enforced against the person or effects of any party or witness in any other county, as well as in the county where the same are issued or pronounced: Provided always, That such warrants, interlocutors, judgments and sentences shall be indorsed by the Sheriff or a Justice of the Peace of such other county; and such indorsation shall be sufficient authority to the Constables or Sheriff's Officers of the original county or of such other county to put the same to execution within such other county.

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37.

Existing causes not to be affected hereby, nor the powers of Sheriffs.

And be it Enacted, That all civil causes and prosecutions for penalties, forfeitures and fines commenced before the passing of this Act, on account of any matter concerning any Highway, Bridge or Ferry, shall be carried on and concluded in the same manner as if this Act had not been passed; and nothing contained herein or in any local Act shall render it incompetent for any Sheriff to hear and determine any civil causes or prosecutions for penalties, forfeitures and fines on account of any of the matters hereinbefore or in any local Act enacted, according to the provisions of an Act passed in the seventh year of King WILLIAM the Fourth, and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in Scotland."

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7 W. 4, and 1 Vict., c. 41.

38.

Prosecutions to be brought within Six Months.

And be it Enacted, That all civil causes, petitions, complaints and processes whatsoever, and prosecutions or proceedings for expenses, penalties, forfeitures and fines imposed by this Act or any local Act, or for any damages incurred, or any wrongs done, or injuries suffered in any matter thereto relating, or for any thing done in pursuance of any of the powers by this or any such Act given and granted, shall be commenced within *Six* calendar Months after the penalty, forfeiture, fine or damage shall have been incurred, or wrong done, or injury suffered, or fact committed, and not afterwards.

35

40

Statute Labour (Scotland).

A

B I L L

For amending the Laws concerning Highways,
Bridges and Ferries in Scotland, and the
making and maintaining thereof by Statute
Service, and by the Conversion of Statute
Service into Money.

(*Prepared and brought in by*
Mr. Home Drummond and Mr. Mackenzie.)

Ordered, by The House of Commons, to be Printed,
10 April 1845.

205.
Under 3 oz.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

For amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

[N.B.—*The Clauses marked (A.) to (D.) were added by the Committee.*]

W H E R E A S it has been found by experience that the laws concerning Highways, Bridges and Ferries in Scotland, and concerning the Statute Service for making and repairing them, and the conversion thereof in money, may be amended in various particulars :

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And whereas it is expedient that further regulations should be made concerning the said Highways, Bridges and Ferries, and that the system of managing them should be rendered more uniform ;

B E it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, all the enactments, provisions, matters and things in this Act contained shall extend to all Highways, Bridges and Ferries in Scotland, to which Statute Service, or the conversion thereof in money, or any assessment in lieu of such conversion, is or shall be applied, and to all Acts of Parliament now in force or which shall hereafter be passed affecting such Highways, Bridges or Ferries in Scotland, saving and excepting such enactments, provisions, matters and things as shall be expressly varied, altered or repealed by any Act that shall be hereafter passed.

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Preamble.

1.

This Act to apply to all Statute Service Roads, &c.

2.

Trustees to include Justices, &c.

And be it Enacted, That Justices of the Peace authorized to act in the execution of any Act of Parliament for making and repairing

Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, shall be held in this Act to be included under the description of Trustees.

3.
Regulation of
Meetings.

And be it Enacted, That all Trustees acting in the execution of this or any Act of Parliament for making and repairing Highways, Bridges and Ferries in Scotland by Statute Service, or the conversion thereof in money, or assessment in lieu of such conversion, shall at all their meetings pay their own expenses, and shall in the first place appoint a Preses at every meeting, who in case of an equal number of votes, including his own, shall have the casting vote; and no order or determination at any such meeting once made or agreed upon shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration shall have been given at a previous meeting, and entered in the minutes of such meeting, and transmitted by post to every Trustee not present at such previous meeting, who shall have been present at the meeting where such order or determination was made, and such notice shall also be published by Two several advertisements in some newspaper usually circulated in the county or district of the county where the Road or Roads or the principal part thereof shall be, Ten Days at least previous to such subsequent meeting; and it shall be lawful for any Two Trustees as aforesaid at any time to call or require their Clerk to call a meeting: Provided always, That notice of such meeting and of the purpose thereof shall be published by Two advertisements as aforesaid.

4.
Officers to be
appointed and
Security to be
taken.

And be it Enacted, That all such Trustees may and are hereby authorized to appoint Clerks, Collectors, Treasurers, Superintendents, Surveyors and other officers, with reasonable allowances for their trouble, and to take such security from any of them for their intromissions, and for the faithful discharge of their duty, as may be deemed expedient; and no person acting as such Trustee, Clerk, Collector, Treasurer, Superintendent, Surveyor or other officer, shall directly or indirectly have or hold any share or interest in any contract for making or repairing any of the said Highways, Bridges or Ferries, under a penalty of Twenty Pounds.

5.
Trustees may
pursue and be
pursued in
the name of
their Clerk,
&c.

And be it Enacted, That all such Trustees may pursue and be pursued in the name of their Clerk or Treasurer for the time being; and no action or process shall cease by the death or removal of such Clerk or Treasurer, but shall be continued in the name of the Clerk or Treasurer for the time.

6.
Books of
Minutes and
Accounts to
be kept and
audited.

And be it Enacted, That all such Trustees shall cause a book or books to be kept, in which shall be entered all the minutes of their orders and proceedings, as also true and regular accounts of all service performed, and of all money received and expended on account

of

of the Highways, Bridges and Ferries under their charge, specifying the sums applied to ordinary repairs, and to improvements of each Highway, Bridge and Ferry, and to management and expenses, and the sums due and not recovered, as also the amount of debt and interest thereof; and such accounts for the year current at the passing of this Act shall be made up in each county or district of a county, and shall be audited and signed by Two of the said Trustees, or by their Preses, if more than Two be present, within a year after the passing of this Act, and the accounts so made up, audited and signed, shall include all transactions preceding the period of One Month before the time at which they are so signed; and similar accounts shall be annually thereafter made up to the same day in each year, and shall in like manner be audited and signed within One Month from the time to which they are so made up; and after the first year from and after the passing of this Act it shall not be lawful for any person whatsoever to act in any way in the collection of another year's conversion until such accounts shall have been made up, audited and signed, as above directed.

And be it Enacted, That any person having performed service, or paid the conversion in money or assessment for the past or current year, may see and take a copy of the said accounts, or any part thereof, on paying One Shilling to the Clerk for each time of inspection; and an abstract of such accounts shall be printed and published annually in at least One newspaper usually circulated in the county or district where the road or roads, or principal part thereof, shall be, within One Month after the said accounts are audited and signed as aforesaid; and any Clerk neglecting to make up or refusing or not permitting inspection of such accounts as aforesaid, or failing to print and publish the abstract thereof as aforesaid, shall forfeit and pay a sum not exceeding Five Pounds to any such person, who shall prosecute for the same, with the expenses of process or proceedings.

7.
Permission to
inspect Ac-
counts.

And be it Enacted, That it shall not be lawful to commence any legal process or proceeding for the recovery of any sum due or leviable as conversion of Statute Service, or assessment in lieu of such conversion, for making or maintaining any Highway, Bridge or Ferry, after Six Months from the time when the said sum shall have become leviable, and in all cases previous demand shall be made Thirty Days before commencing such process or proceeding.

8.
Proceedings
for recovery of
conversion to
commence
within Six
Months.

And be it Enacted, That it shall be competent to recover any sum under One hundred Pounds Scots, due or leviable as aforesaid for making or repairing any Highway, Bridge or Ferry, according to the provisions of an Act passed in the seventh year of King WILLIAM the Fourth, and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts

9.
CLAUSE (A.)
Mode of reco-
vering conver-
sion Money.

7 Will. 4 and
1 Vict. c. 41.

for the Trial of Small Debt Causes by the Sheriffs in Scotland," any thing to the contrary in any local Act notwithstanding: Provided always, That nothing herein contained shall in any way alter or affect any enactment or provision in any local Act relative to warrants for poinding for the purpose aforesaid, or any proceeding consequent thereon, saving and excepting that it shall not be competent after the passing of this Act to imprison any person for non-performance of statute labour, or non-payment of the conversion thereof, or assessment in lieu of such conversion. 5

10.
No person
liable to work
or pay who
does not pos-
sess lands,
&c. valued at
£.2 yearly.

And be it Enacted, That from and after this present year One thousand eight hundred and Forty-five, it shall not be lawful to require any person, not being the proprietor or occupier of lands, buildings or other heritable subjects of the yearly value of Two Pounds or more, to work or perform Statute Service on any Highway, Bridge or Ferry, or to exact or levy money from any such person as conversion of Statute Service or otherwise, for making or maintaining any Highway, Bridge or Ferry; and all warrants for poinding or imprisonment, and other legal proceedings whatsoever against any such person as aforesaid on account of non-performance of such work or service, or non-payment of such money or conversion, are hereby prohibited and discharged, saving and excepting such proceedings as shall have been commenced before the last day of December One thousand eight hundred and Forty-five, which, notwithstanding anything herein contained, may be continued and carried on in all respects as if this Act had not been passed. 10 15 20 25

11.
CLAUSE (B.)
Power to
exempt per-
sons who do
not possess
lands, &c.
valued above
£. 5.

And be it Enacted, That it shall and may be lawful for all such Trustees, at a general meeting assembled, from time to time to fix and determine any amount of yearly value of lands, buildings and other heritable subjects not under Two Pounds and not above Five Pounds, to the proprietors and occupiers of which such Trustees shall think fit to extend the said exemption in any county or district of a county; and it shall not thereafter be lawful to require any person, not being the proprietor or occupier of lands, buildings or other heritable subjects of a yearly value above the amount so fixed, to work or perform Statute Service on any Highway, Bridge or Ferry, or to exact or levy money from any such person as conversion of Statute Service or otherwise for making or maintaining any Highway, Bridge or Ferry. 30 35

12.
CLAUSE (C.)
Proprietors in
certain cases
to be assessed
instead of Ten-
ants.

And be it Enacted, That in all cases in which, by authority of any local Act now in force, money, as conversion of Statute Service, or assessment in lieu thereof, is authorized to be assessed on Lands, Buildings, or other heritable subjects, and is payable in whole or in part by the occupiers or tenants of such lands, buildings, or other heritable subjects, it shall and may be lawful to assess upon and recover from the proprietor of any such lands, buildings or other heritable subjects such money or part thereof as the trustees appointed 40

appointed by such local Act may think proper, so payable by any occupier or tenant thereof, who is not occupier or tenant, or proprietor of lands, buildings, or heritable subjects of the yearly value in the whole of Two Pounds: Provided always, That if all the lands, buildings, or other heritable subjects belonging to such proprietor, shall not be of the yearly value of Two Pounds, no part of such money shall be assessed upon or recovered from such proprietor; but it shall and may be lawful to include the sum which but for this Act would have been assessed upon such lands, buildings or other heritable subjects, in the sum to be assessed on the other assessable lands, buildings or heritable subjects, and that notwithstanding the rate of assessment should be thereby raised above the maximum amount authorized by such Local Act; and such additional sum shall be levied and applied in the same manner as the money might have been levied and applied in lieu of which the said additional sum is assessed.

And be it Enacted, That all life-renters and wadsetters shall be deemed and held to be proprietors for all the purposes of this Act; and that where any house has been or shall be built by any tenant under a building lease, such tenant and his heirs and assignees, shall for the purposes of this Act, be deemed and taken to be proprietor of such house.

13.
CLAUSE (D.)
Wadsetters,
&c. to be held
Proprietors.

And be it Enacted, That it shall be lawful for all such Trustees or any person authorized by them, to search for, dig and carry away materials for making or repairing any Highway, Bridge or Ferry, or for building, making or repairing any work connected therewith from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages, or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person, such Trustees or other persons authorized by them filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud or rubbish, such damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for such Trustees and other persons authorized by them as aforesaid to search for, dig and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person (such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously in use to be taken by the said Trustees), making or tender-

14.
Power to get
materials.

Satisfaction.

Notice to be
given before
materials are
taken from
inclosed lands.

ing such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such Trustees shall judge reasonable ; and in case such Trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the Sheriff or Justices of the Peace for the shire wherein the place from whence such materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the application of either party, with induciæ of Six Days, to hear and determine all questions as to the amount of such payments and damages, and the expenses attending the same : Provided always, That before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, Fourteen Days' previous notice in writing, signed by Two Trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the Sheriff or any Two Justices of the Peace acting for the shire where the said lands are situate, to show cause why such materials shall not be so taken ; and in case such proprietor, occupier or agent shall attend pursuant to such notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such Sheriff or Justices shall authorize or prohibit the Trustees to take such materials, or make such order as they shall think fit.

15.
Penalty on
taking away
materials pro-
vided for
repairing
Highways,
Bridges or
Ferries.

And be it Enacted, That it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for making or repairing any Highway, Bridge or Ferry, or to take any materials out of any quarry which shall have been opened by any such Trustees for the purpose of getting materials, so as to interrupt or interfere with the workings carried on by such Trustees ; and every person so offending shall for every such offence forfeit and pay any sum not exceeding Five Pounds.

16.
Power to use
adjoining
ground as a
temporary
Road.

And be it Enacted, That it shall be lawful for all such Trustees to make a Road through the grounds adjoining to any ruinous or narrow part of any Highway (not being an orchard, garden, lawn, policy, planted walk or avenue to any house, or nursery for trees), to be made use of as a public Highway whilst the old road is repairing or widening, making recompense to the proprietor and occupier of such grounds for the damages they may thereby sustain ; and in case such Trustees and such proprietor or occupier shall differ as to the amount of such damages, it shall be competent to the Sheriff or Justices of the Peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an induciæ of Six Days, to hear and determine all questions as to the amount of such damages, and the expenses attending the same.

And

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient side drains on any Highway, with power to conduct the water therefrom into any adjoining land, ditch or watercourse, (such land not being the site of any house or garden), in such manner
 5 as shall be least injurious to the proprietor or occupier of such land; the said side drains to be maintained at the expense of the Trustees.

17.
 Trustees to
 make Side
 Drains.

And be it Enacted, That it shall be lawful for all such Trustees to make sufficient ditches along the side of any Highway, provided that
 10 if the land is inclosed on the side of such Highway such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such Highway (not being the site of any house or garden), in such manner as shall be least injurious to the proprietor
 15 and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any Highway, when so required by the said Trustees or their Surveyor; and
 20 in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such Trustees or Surveyors, such Trustees or Surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds:
 25 Provided always, That nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the Trustees, any other equally effectual ditch or outlet in place of that constructed by the Trustees.

18.
 Trustees to
 make Ditches.

And be it Enacted, That it shall be lawful for any such Trustee or
 30 Surveyor of any Highway, or other person authorized by the said Trustees, brevi manu, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever, laid or left upon any such Road or footpath, or on any side drain or ditch of such Road, and to sell or otherwise dispose of the same as a forfeiture, in such manner
 35 as the Trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof, by payment of the penalty in such case enacted: Provided always, That the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any Highway, such
 40 materials occupying One-fourth part of such Road only, and such proprietor or occupier giving Three Days' previous notice in writing to the Clerk or Surveyor of the Road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the Trustees may require.

19.
 Timber,
 Stones, &c.
 left on Roads
 may be
 seized.

20.
Penalties on
persons mak-
ing Encroach-
ments.

And be it Enacted, That if any person shall fill up or obstruct any ditch at the side of any Highway, or any ditch used for conveying water from the said Road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling-house or other building, or any hedge, ditch or other fence, or in any other manner whatever, on any Highway, or shall make any drain, gutter, sink or watercourse across, under or upon, or shall turn or conduct any drain or water across, under or upon, or in any way break up the surface of any Highway, without the consent in writing of the Trustees of such Highway, or of their Surveyor, such person shall forfeit for every such offence a penalty not exceeding Five Pounds; and it shall be lawful for the Trustees of any such Highway to cause such dwelling-house or other building, hedge, ditch or fence, drain, sink, watercourse, gutter or other encroachment to be taken down or filled up at the expense of the person so offending.

21.
Parishes shall
defray da-
mages to
Parapets, &c.

And be it Enacted, That it shall be lawful for all such Trustees, where the parapet of any bridge, or any fence, milestone, direction post, or any erection, building, matter or thing belonging to the said Trustees, or used for the purposes of the trust under their management, shall be destroyed or injured, and the persons so offending cannot be discovered and convicted, to complain to the Sheriff or Justices of the Peace of the shire in which such damage shall have been committed, having previously given notice in writing of their intention of making such complaint on the church door of the parish in which the said damage shall have been committed for Two consecutive Sundays, and which complaint the said Sheriff or Justices shall hear in a summary way, and if they shall sustain the same, they are hereby empowered and required to assess the amount of such damage, and the expenses of process or proceedings upon the proprietors, occupiers and such other persons of the parish wherein such damage shall have been committed as aforesaid, as would if this Act had not been passed have been liable for the payment of the conversion money leviable for Statute Labour in the shire in which such parish is situated; which assessment shall be levied by the said Trustees upon the same persons, in the same proportions, with the same relief to landlords against tenants, and in the same manner as the said conversion money may be levied; and in the event of any fractional part of such assessment being less than a Halfpenny, the whole of such Halfpenny shall be leviable from the individual in whose assessment such fraction shall occur, and any surplus that may arise therefrom shall be applied to the repair of the Roads.

22.
Penalty on
persons com-
mitting
Nuisances, &c.

And be it Enacted, That if any person shall ride upon any footpath or causeway on or by the side of any Highway made or set apart for the use or accommodation of foot passengers, or shall lead or drive any

any horse, ass, mule, swine or cattle, or carriage of any description, or any wheelbarrow, truck or sledge, or any single wheel of any wagon, cart or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct or do, or cause any injury or
5 damage to be done to the same, or to the hedges, posts, rails or fences thereof; or shall wilfully pull down or damage any bridge, wall or any building, fence or erection, made by the Trustees of any Highway, or repaired or repairable by them; or shall break, injure, remove or displace any tools, trestles, bars, stones, materials or other article
10 whatsoever, belonging to such Trustees, or used on any such Road under their authority; or shall haul or draw, or cause to be hauled or drawn, upon any part of any Highway, any timber, stone or other thing otherwise than upon a wheeled carriage, or shall suffer any timber, stone or other thing which shall be carried principally or in
15 part upon a wheeled carriage to drag or trail upon such Road; or in ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough or harrow in or upon such Road or the side drains or ditches thereof; or shall, in or upon such Road, or by the side or sides thereof, or in any exposed situation near thereto, kill,
20 slaughter, singe, scald, burn, dress or cut up any beast, swine, calf, lamb or other cattle; or if any person driving any carriage, cart, horse or other beast on such Road, conveying any iron bar or rod, tree, wood, stone, basket or pannier, or any other matter or thing, except hay and straw, suffer the same to project by
25 more than Thirty Inches from the side of such horse or other beast, or more than One Foot laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast or carriage travelling along such Highway; or if any person shall carry any timber or
30 other article above Twenty-five Feet long on any cart or carriage not having more than Two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any Highway; or if any person occupying or using a blacksmith's shop, foundery, smelting-house, iron
35 or brass work, boiler-making work, glass-work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon such Road, and from being dangerous or detrimental to travellers; or if any person shall make
40 or assist in making any fire or fires commonly called bonfires, or shall set fire to, or let off or throw any squib, rocket, serpent or other firework whatsoever within One hundred Feet of the centre of such Road, or shall discharge any gun, pistol or other fire-arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon such Road or on the side or sides thereof, or in any exposed situation

near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart or other carriage whatever upon such Road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage, during the time of loading or unloading the same, or of taking refreshments, as near to one side of such Road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto, or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish or other matter or thing whatsoever upon such Road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linen clothes or other such article on any hedge or fence of any such Road; or shall suffer any water, filth, dirt or other offensive matter or thing whatsoever to run or flow into or upon such Road or footpaths, from any house, building, erection, lands or premises adjacent thereto; or if any person driving any pigs or swine upon such Road shall suffer such pigs or swine to root up or damage such Road, or the fences, hedges, banks or copse on either side thereof respectively; or if any person shall, after having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such Road the stone or other thing with which such cart or other carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp-post, put up, erected or placed in or near the side of any Highway, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding Fifty Shillings, over and above the damages occasioned thereby.

23.
Regulation of
Drivers.

And be it Enacted, That if the driver of any cart, waggon or other such carriage on any Highway shall ride on the shafts or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart or carriage, or shall at any time leave the same travelling on any such Road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart or other such carriage, or shall not chain or fasten the same to such waggon, cart or carriage; or if the driver of any sort of carriage shall not keep to the left or near side of such Road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage, such driver shall for every such offence forfeit and pay a sum not exceeding Five Pounds, over and above the damages occasioned thereby.

And

And be it Enacted, That if One person act as the driver of more than Two carts, waggons or other such carriages on any Highway, or if the hinder of Two carts, waggons or other such carriages, under the care of only one person, shall be drawn by more than One
 5 horse, or if the horse of such hinder cart, waggon or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than Six Feet, the owner or driver of every such waggon, cart or other carriage shall
 10 for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding Forty Shillings.

24.
One driver
may take
charge of
Two Carts.

And be it Enacted, That no waggon or cart travelling on any Highway shall be driven by any person who shall not be of the full age of Fourteen Years, under a penalty for each such offence
 15 not exceeding Forty Shillings, to be paid by the owner of such waggon or cart.

25.
Children not
to drive Carts,
&c.

And be it Enacted, That if the causeways and footpaths of any Highway, or any part of such Highway, shall be opened up by any person or persons, with leave of the said Trustees, or otherwise having
 20 authority so to do, for the laying of pipes for water, gas, tunnels or railroads, or for any other purpose whatever, and the same shall not be immediately thereafter repaired, renewed and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said Trustees or their Surveyor, then the said Trustees
 25 or their Surveyor shall have full power, and they are hereby authorized to execute the necessary repairs on the part or parts of such Road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the
 30 said Trustees or a quorum of them, or of their Clerk or Surveyor ; and if any damage shall happen to the public from the operations of the persons opening up the Road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said Trustees thereof, and of all expenses attending the same ; and in all cases where any
 35 injury shall arise to any Highway from any drain, conduit, pipe, water, matter or thing whatsoever being conveyed across, in, under or upon, or by any thing done upon any part of any such Road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the Trustees, they or
 40 their Surveyor are hereby authorized to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

26.
Persons
opening up or
conveying
water across
the Roads or
Causeways
must repair
them.

27.
Surveyors,
&c. not to
leave Nuis-
ances on
Roads.

And be it Enacted, That if the surveyor of any Highway, or any contractor or other person employed on such Road, shall lay on any part of any such Road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such materials; or shall lay on any such Road any matter or thing, or shall knowingly permit to remain on any part of any such Road any matter or thing which may endanger the safety of any passenger; or shall dig any pit or make any cut on any Highway, without sufficiently fencing the same; such person shall for every such offence forfeit and pay a sum not exceeding Five Pounds, over and above the damages occasioned thereby, and expenses; and it shall be lawful for any person travelling along any Highway to prosecute for such sum, damages and expenses in manner hereinafter provided: Provided always, That it shall be lawful for any such Surveyor, contractor or other person to have on any such Road, during daylight, any trestles or bars, in any such manner as the Trustees of such Road may judge necessary to prevent interruption of the work during the repairing of the Road, or to prevent carts or carriages from running in tracks injurious to the Road: Provided also, That such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the Road.

28.
Proprietors to
fence Pits
made near
the Roads.

And be it Enacted, That if the proprietor or occupier of any lands adjacent to any Highway shall dig any pit or make any cut upon or within Twelve Feet of the side of any such Road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence the same when required so to do by any Two of the Trustees of such Road, or any Procurator Fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding Five Pounds for every day such pit or cut shall continue to be unfenced beyond Three Days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said Trustees or Procurator Fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

29.
No Animal to
be pastured
on the Roads.

And be it Enacted, That if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying on any Highway, or the sides thereof (except on such parts of any Road as pass through or over any common or waste ground, or land not inclosed, unless it be arable on one side), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding

exceeding Five Shillings for every such beast ; and it shall be lawful for any Trustee of such Highway, or the Surveyor of such Trustees, or any other person authorized by them, *brevi manu*, to seize and detain the same until such penalty and the expenses of process and proceedings shall be paid ; and in case the said penalty and expenses shall not be paid within Three Days after notice of such detention shall be given at the parish church nearest to the place where such animal shall be found, the said Surveyor or other person shall sell the same, with the authority of the Sheriff or any Justice of the Peace for the shire, who are hereby empowered to grant such authority ; and after deducting the amount of the said penalty and expenses, such Surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained.

And be it Enacted, That every person in ploughing any uninclosed land adjoining any Highway shall make side ridges along the sides of such Road of the breadth of Twelve Feet at the least, under a penalty not exceeding Five Pounds.

30.
Side ridges to
be made in
uninclosed
lands.

And be it Enacted, That no gate of any park, field or inclosure whatsoever shall be made to open into or towards any part of any Highway, or be suffered so to open, except the hanging post thereof shall be fixed or placed so far from the centre of any part of such Road as that no part of such gate shall, when open, project over any part of such Road, or of any footpath belonging thereto ; and the occupier of any park, field or inclosure having any gate opening outwards, contrary to the meaning of this Act, shall, within Six Days after notice to him or her given, either personally or in writing, from the Trustees of such Road, or their Surveyor, cause such gate to be hung so that no part of the gate, when open, shall project over any part of such Road, or of any footpath belonging thereto ; and if such occupier fail so to do, the Surveyor of any such Road shall cause the gate to be hung as hereinbefore directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall, over and above such expense, forfeit and pay a further sum, not exceeding Five Pounds, for such neglect.

31.
Gates to open
inwards.

And be it Enacted, That the Trustees of every Highway shall cut, or cause to be cut, all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed ; and if they fail so to do for Eight Days after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their Clerk or Surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said Trustees.

32.
Weeds to be
cut by Trus-
tees.

33.
Owners of
waggons, car-
riages, &c.
shall cause
their names
to be painted
thereon.

And be it Enacted, That the owner of every waggon or cart, and also of every coach, post-chaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally, upon some conspicuous part on the off or right side of his waggon or cart, and upon the panels of the doors of all such coaches, post-
chaises or other carriages, before the same shall be used upon any Highway, the christian and surname and place of abode of such person, or the christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground, or of a light colour on a dark ground, not less than One Inch in height, with numbers beginning with number One, where more of such carriages respectively than One shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid, so long as such waggon, cart or other carriage shall be used upon any Highway ; and every owner of any such waggon, cart or other carriage using or allowing the same to be used upon any Highway without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall forfeit for every such offence a sum not exceeding Forty Shillings ; and every waggon or cart, and every such coach, post-chaise or other carriage let for hire without the name, surname and place of abode of the owner painted thereon as hereinbefore directed, or having the same or any part thereof covered or placed so as to be illegible, shall be liable to pay Double Toll Duty ; and every person driving any such waggon, cart or other carriage, who shall refuse to stop and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding Forty Shillings.

34.
Trustees may
prosecute be-
fore Sheriff
and Justices
at the expense
of the Trust.

And be it Enacted, That it shall be lawful for the Procurator Fiscal and for all such Trustees, or any person authorized by them, or for any one of their number, to prosecute for any expenses, penalty, forfeiture or fine imposed by this or any Act made for making or maintaining any Highway, Bridge or Ferry, and to recover the same before the Sheriff or the Justices of the Peace of the shire in which the same shall have become due or been incurred, or where the offender shall reside, subject to appeal in manner hereinafter mentioned ; and it shall be lawful for the said Trustees to allow the expenses of such prosecutions to be defrayed out of the funds of the Trust.

35.
Proceedings
for recovering
penalties, &c.

And be it Enacted, That all expenses, penalties, forfeitures and fines imposed by this or any such Act as aforesaid (excepting such penalties as are herein otherwise directed to be recovered and applied), shall, after hearing the party complained of, or on the non-appearance of such party after summons, on an induciæ of Six Days, personally, or at the dwelling-place of such party (of which the oath of One witness,

or

or an execution of citation without witnesses, shall be sufficient evidence), upon proof of the fact before the Sheriff or Justices of the Peace for the shire in which the same shall have become due or been incurred, or where the offender shall reside, either by the confession of the party offending, or by the oath of any One credible witness, or other competent evidence, be levied, together with the expenses of the prosecution and conviction, by poinding and sale of the goods and effects of the party offending, by warrant under the hand of such Sheriff or Justices (which warrant such Sheriff or Justices are hereby empowered to grant); and the surplus (if any), after deducting such expenses, penalties, forfeitures and fines, and the expenses of the proceedings and charges of such poinding and sale, shall be returned to the owner of such goods and effects; and in case the same shall not be forthwith paid upon conviction, then it shall be lawful for such Sheriff or Justices to order the offender so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of poinding, unless the offender shall give sufficient security, to the satisfaction of and to the amount fixed by such Sheriff or Justices, for his or her appearance before such Sheriff or Justices on such day as shall be appointed for the return of such warrant of poinding, which security the said Sheriff or Justices are hereby empowered to take by bond of caution or otherwise; but if upon the return of such warrant it shall appear that no sufficient goods and effects can be found, then it shall be lawful for the said Sheriff or Justices, in all cases where the penalties sought to be recovered shall exceed the sum of Forty Shillings, and they are hereby authorized and required, by warrant under their hand, to cause such offender to be committed to the common gaol or house of correction of the shire where the offender shall be or reside, there to remain for any time not exceeding Four Months, unless such expenses, penalties, forfeitures and fines, and the expenses of the proceedings, shall be sooner paid; and in all cases where the penalties awarded shall be less than the sum of Forty Shillings, the said Sheriff or Justices may, when no effects can be found as above, commit the offender to prison for any time not exceeding Two Months, unless the said penalties, fines and expenses shall be sooner paid; and the monies arising by such penalties, forfeitures and fines respectively, if not otherwise directed to be applied by this Act, or the Act under which the same shall have been incurred, or in so far as not directed by the Sheriff or Justices to be paid towards the expenses of the proceedings, shall be paid to the Trustees for making and maintaining the Roads, or to their Treasurer, and applied and disposed of for the purposes of such Roads.

And be it Enacted, That it shall be lawful for the Sheriff or any One Justice before whom any complaint for the recovery of any such expenses, penalties, forfeitures or fines may be brought,

36.
Summary
process.

to proceed, if such Sheriff or Justice, duly considering the nature of the case, shall think fit, and not otherwise, in a summary way, and to grant warrant for bringing the parties complained upon before him for examination; and after hearing parties on confession or probation by the oath of any credible witness, or other competent evidence, to proceed to determine thereon without any written pleadings or record of evidence, and to grant warrant for levying the said penalties by pouncing and sale; and in the case of a return of no effects, or in case it shall appear to the satisfaction of such Sheriff or Justice that no sufficient effects can be found, for commitment of the offender as above enacted; but in all such cases a record shall be preserved of the charge and of the judgment pronounced. 5 10

37.
Attendance
of Witnesses.

And be it Enacted, That if any person shall be summoned as a witness to give evidence before any Sheriff or before any Justice of the Peace touching any matter contained in any Act relating to Highways, Bridges or Ferries, or in this Act, either on the part of the prosecutor or the person accused, and shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for such refusal or neglect, then such person shall forfeit for every such offence any sum not exceeding Five Pounds, and it shall be no objection to any witness that such witness shall have appeared without citation, or without having been regularly cited. 15 20

38.
For securing
transient
Offenders.

AND whereas offences may be committed against this Act or other Acts for making and maintaining Highways, Bridges or Ferries by persons unknown to the Surveyors or other officers; BE it therefore Enacted, That it shall be lawful for any of the Trustees of any Highway, or any of their Clerks, or their Surveyors, or other officers respectively, and such other person as any of them shall call to their assistance, or for any person seeing any offence committed against this or any such Act, without any warrant or other authority than this Act, brevi manu, to seize and detain any unknown person who shall commit any such offence, and take such person without delay before the Sheriff or any neighbouring Justice of the Peace for the shire where the offence shall have been committed, or where such offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution de judicio sisti be found, or shall proceed in the summary way above directed, as the case may seem to require. 25 30 35

39.
Appeal.

And be it Enacted, That any person who shall think himself or herself aggrieved by any judgment or proceedings of any Justice or Justices of the Peace in the execution of this Act, for which no particular relief has been hereby provided, may, within Three Months after such judgment or proceedings, but not afterwards, appeal to the Justices 40

Justices of the Peace at the Quarter Sessions, the appellant giving Fifteen Days' previous notice of such appeal to the opposite party, and to the Clerk of the said Trustees, and the Clerk of the Justices of the Peace, and finding caution to pay the expenses of such
 5 appeal; and where by this Act the adjudging of any penalty, forfeiture or fine, or the determining the amount of any payment, damages or expenses, or any other matter, is committed to any Justice or Justices of the Peace, or to the Sheriff, or to the Justices of the Peace assembled in their Quarter Sessions, originally or by appeal, all judg-
 10 ments, determinations and proceedings of such Justice or Justices not appealed from as aforesaid, and of such Sheriff or Quarter Sessions, shall be final and conclusive, and shall not be subject to review by advocacy or suspension or by reduction, or by any process of law or court whatsoever; any law or usage to the contrary not-
 15 withstanding.

Judgment of Sheriff or Quarter Sessions to be final.

And be it Enacted, That all warrants, interlocutors, judgments and sentences of Sheriffs and Justices, issued or pronounced under the authority of this Act, may be enforced against the person or effects of any party or witness in any other county, as well as in the county
 20 where the same are issued or pronounced: Provided always, That such warrants, interlocutors, judgments and sentences shall be indorsed by the Sheriff or a Justice of the Peace of such other county; and such indorsation shall be sufficient authority to the Constables or Sheriff's Officers of the original county or of such other county to put
 25 the same to execution within such other county.

40.
Warrants, &c. may be enforced in any other County.

And be it Enacted, That all civil causes and prosecutions for penalties, forfeitures and fines commenced before the passing of this Act, on account of any matter concerning any Highway, Bridge or Ferry, shall be carried on and concluded in the same manner as if this Act had not
 30 been passed; and nothing contained herein or in any local Act shall render it incompetent for any Sheriff to hear and determine any civil causes or prosecutions for penalties, forfeitures and fines on account of any of the matters hereinbefore or in any local Act enacted, according to the provisions of an Act passed in the seventh year of King WIL-
 35 LIAM the Fourth, and in the first year of Queen VICTORIA, intituled, "An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in Scotland."

41.
Existing causes not to be affected hereby, nor the powers of Sheriffs.

7 W. 4, and
1 Vict., c. 41.

And be it Enacted, That all civil causes, petitions, complaints and
 40 processes whatsoever, and prosecutions or proceedings for expenses, penalties, forfeitures and fines imposed by this Act or any local Act, or for any damages incurred, or any wrongs done, or injuries suffered in any matter thereto relating, or for any thing done in pursuance of any of the powers by this or any such Act given and granted, shall be com-
 321. c 4 menced

42.
Prosecutions to be brought within Six Months.

menced within Six calendar Months after the penalty, forfeiture, fine or damage shall have been incurred, or wrong done, or injury suffered, or fact committed, and not afterwards : Provided always, That nothing in this clause contained shall apply to or affect in any way what is above enacted concerning processes and proceedings for the recovery 5 of any sum due or leviable as the conversion of Statute Service, and the expenses thereof.

Statute Labour (Scotland).

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For amending the Laws concerning Highways, Bridges and Ferries in Scotland, and the making and maintaining thereof by Statute Service, and by the Conversion of Statute Service into Money.

(Prepared and brought in by
Mr. Home Drummond and Mr. Mackenzie.)

Ordered, by The House of Commons, to be Printed,
26 May 1845.

321.

Under 302.

24 July 1843.—7 VICT.



A

B I L L

To encourage Industry by facilitating the letting small Allotments of Land, and to provide for the Regulation of Loan Societies.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS, for the encouragement of Industry, it is expedient to give facilities for the letting small Allotments of Land to Labourers, Artisans and others; and it is proper that Loan Societies should be placed under inspection and control; and

Preamble.

- 5 have consented to form a Society for the purpose of procuring Lands and granting such Allotments, and taking upon themselves the superintendence and control of Loan Societies to be formed as after mentioned;

May it therefore please Your MAJESTY,

- 10 That it may be Enacted; ~~And be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT

1.
Appointment
of National
Loan Society.

and such others as may be chosen members as hereinafter mentioned, shall form a Society or body, to be called "The National Allotment and Loan Superintendence Society," and by that name shall henceforth be incorporated and have perpetual succession, and have and use a common seal for the business and affairs of the said Society, and shall and may in the same name sue and be sued, answer and be answered unto, and defend and be defended, and may for the purposes of the said Society receive subscriptions, donations and bequests, and take and hire, for any term of years not exceeding Ninety-nine Years, such Lands as the said Society may think fit to be applied for the purposes after mentioned, as the said Society shall direct.

2.
Objects for
which Society
is established.

And be it Enacted, That the objects of the said Society shall be, to take or purchase Land for any term of years that may be thought fit, not exceeding Ninety-nine Years; and the subletting the same to labourers, artisans and other poor persons for garden or agricultural purposes, in such portions as the said Society may think fit, and for such terms of years or otherwise, and under such conditions, forfeitures, penalties or agreements, as the said Society may think fit; and further, to superintend and control all Loan Societies in manner after mentioned, which may be formed in pursuance of this Act.

3.
President and
other Officers

And be it Enacted, That for the better execution of the purposes and designs of the said Society, and the more regular government of the said Corporation, the said Corporation shall for ever have One President, Two or more Vice-presidents, and One Treasurer; but no demise, gift or bequest to the said Society shall be rendered void or invalid by reason of the vacancy of any of the said offices at the time of making, giving or perfecting the same.

4.
Appointment
of first President
and
Vice-president.

And be it Enacted, That the said shall be and is hereby appointed President of the said Society; and that the said and shall be and are hereby appointed Vice-presidents; and that the said shall be and is hereby appointed Treasurer of the said Society; and that the said President, Vice-presidents and Treasurer shall continue to perform the duties of their respective offices until other fit persons be chosen in their respective rooms in manner hereinafter mentioned; and that the President for the time being, or, in his absence, One or more of the Vice-presidents or the Treasurer for the time being, with any (Five) or more of the other members of the said Society, or, in the absence of the President and of all the Vice-presidents and Treasurer, any (Seven) or more of the other members of the said Society, shall be competent

competent to order, transact and execute all or any of the affairs, duties and powers of the said Society; and an Annual General Court shall be held on the first (Wednesday) in (March,) which will be in the year One thousand eight hundred and Forty-four, and on every succeeding first (Wednesday) in every (March) in every year for ever, unless such annual day be changed by any Bye-law of the said Society; and at every such Annual General Court, the President, Vice-presidents and a Treasurer shall be elected for the ensuing year.

10 And be it Enacted, That the business and affairs of the said Society may be conducted by such meetings, and under such bye-laws, rules and regulations, as the said Society may from time to time ordain, and all matters shall be decided at any meetings of the said Society, and by a majority of the votes of the members
15 of the said Society present at any meeting thereof; and the said Society shall meet from time to time, where and as often as they shall see fit, but it shall be imperative on the said Society to make such bye-laws and rules for the meetings thereof, as that the members shall have at least *Three* clear Days' notice of the time and
20 place of meeting of the said Society.

5.
Conduct of
the business
of the Society.

And be it Enacted, That the funds of the said Society shall be invested in such temporary or permanent securities, and to be from time to time varied, as the said Society shall direct, and that no part of the profits to be derived from letting the Lands as aforesaid shall be applied for any other purpose than for the advancing the
25 beneficial objects of the said Society.

6.
Investment of
Society's
Funds.

And be it Enacted, That the said Society may from time to time appoint a Secretary and other Officers of the said Society, all or any of which Officers may be from time to time removed as may be thought fit; and the said Society may require securities by bond
30 or otherwise from any such Officers for the due execution of their respective offices.

7.
Appointment
of Secretary
and Officers.

And be it Enacted, That the said Society may, under their common seal, from time to time appoint any person or persons to be the agent or attorney, or agents or attornies of the said Society,
35 and in the name of the said Society, and as their act and deed, to demise any of the Lands belonging to the said Society, for the purposes thereof or otherwise; and to recover any rent to be reserved on any demise or agreement to be made, or to enforce any of the provisions, conditions, forfeitures, penalties or agreements under
40 which any allotments shall have been demised or agreed to be let by the said Society.

8.
Appointment
of Agents and
Attorney.

9.
For choosing
additional
Members.

AND to the intent that there never may be wanting a competent number of members of the said hereby created Corporation, and for perpetuating the succession thereof; BE it Enacted, That it shall be lawful for the members of the said Society, at any meeting thereof, to elect and choose some other fit person or persons to be a member or members of the said Society, either as additional members, or in the room or place of such members as may have died off or ceased to be members of the said Society.

10.
Parties em-
powered to
grant Leases.

And be it Enacted, That it shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, tenants for life or in tail, husbands, guardians, trustees, feoffees in trust, committees, executors, administrators, and all other persons and trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of their cestui-que trusts, whether infants, issue unborn, lunatics, idiots, femmes covert, or other person or persons, and to and for all femmes covert who are or shall be seised, possessed of or interested in their own right, and to and for every other person and persons whomsoever who are or shall be seised, possessed of or interested in any lands, tenements or hereditaments, to demise or lease the same or any part thereof to the said Society, for any term of years not exceeding *Ninety-nine* Years, to take effect in possession, or within Twelve calendar Months from the making or granting of any such Lease, so as there be reserved on every such Lease, incident to the reversion thereon, quarterly in every year during the continuance of the term thereby granted, the best and most improved yearly rent that can be reasonably gotten for the same; and every such Lease may contain such covenants, stipulations and conditions as may be agreed upon between the said Society and the person or persons granting any such Lease.

11.
Leases of
Waste Lands.

And be it Enacted, That in case the said Society shall agree with any Lord or Lady of any Manor to take a Lease or Leases of part of any common or waste grounds for the purposes of this Act, a Lease thereof by the Lord or Lady of the Manor wherein the same shall be situated shall be a good and sufficient Lease in the law, as fully and effectually as if every person having right of common upon such commons or waste grounds had joined in and executed such Lease; and that the rent or compensation to be paid for any right of common upon any such commons or waste grounds as aforesaid shall be paid to the Churchwardens of the respective parishes wherein such commons or waste grounds shall be, and shall be by such Churchwardens received and applied for such general or public purposes within such parishes respectively as a Vestry of every such parish,

parish, to be convened by such Churchwardens for that purpose, shall direct.

And be it Enacted, That no poor inhabitant of any parish or place to whom any land or tenement shall be let by the said Society shall gain a settlement by reason of his renting and occupying or paying parochial taxes for such land or tenement, either alone or with any other land or tenement.

12.
Occupation of
Tenements
not to affect
Parochial
Settlement.

And be it Enacted, That it shall and may be lawful to and for any number of persons to form themselves into and to establish a Society, for the purpose of raising from time to time, by Loans from the members of such Society or from other persons, at a rate of interest not exceeding Five Pounds per centum per annum, or by donations, a stock for the purpose of granting Loans to industrious persons, and receiving back payment for the same by instalments, with interest thereon, as hereinafter provided; and to and for the several members of any such Society from time to time to assemble together, and make, ordain and constitute such proper rules for the better government of the same as to the major part of the members of such Society so assembled together shall seem meet, and to impose such reasonable fines upon the several persons obtaining Loans from the funds of any such Society who shall offend against such rules as shall be necessary for duly enforcing the same, to be paid to such uses for the benefit of such Society as shall be directed, so as such rules shall not be repugnant to the laws of this realm; and also from time to time to alter such rules, or to annul the same, and to make new rules under such restrictions as are in this Act contained; and that if any Society so to be formed, or any Society already formed for the like objects, shall be desirous of having the benefit of this Act, such Society shall cause the rules framed or to be framed for the management of such Society, or any alteration or amendment thereof, to be certified, transmitted and enrolled in manner hereinafter directed, and thereupon shall be deemed and be entitled to and shall have the benefit of the provisions contained in this Act.

13.
Persons may
establish
Loan Socie-
ties.

And be it Enacted, That for the general control and superintendence of all Loan Fund Societies established or to be established under the authority of this Act, the said Society hereby incorporated, called "The National Allotment and Loan Superintendence Society," shall have power to inquire into the proceedings of all such Societies, in order to ascertain whether the rules so to be certified and enrolled as aforesaid have been duly attended to, and that the funds of such Societies are applied to the purposes for which the same are intended; and such Society hereby incorporated may, where

14.
National
Loan Society
hereby esta-
blished to
have Superin-
tendence of
Loan So-
cieties.

necessary, appoint Inspectors and other Officers, who shall have power, at all reasonable times, to inspect the books, accounts and papers of or belonging to such Societies.

15.
Copies of
Rules of
Loan Fund
Societies to be
transmitted to
Revising Bar-
rister to be
registered, on
payment of a
Fee.

And be it Enacted, That Three transcripts, fairly written on paper or parchment, of all rules of any Loan Fund Society, or of any alteration or amendment thereof, made in pursuance of this Act, signed by Two members, and countersigned by the Clerk or Secretary, with all convenient speed after the same shall be made, altered or amended, and so from time to time after every making, altering or amending thereof, shall be submitted to such Barrister as may be appointed by the said Society hereby incorporated, which Barrister the said Society is hereby authorized and required to appoint from time to time for the purpose of ascertaining whether the said rules of such Society, or alteration or amendment thereof, are calculated to carry into effect the intention of the parties framing such rules, alterations or amendments, and are in conformity to law and to the provisions of this Act; and that the said Barrister shall advise with the said Clerk or Secretary of the Society, if required, and shall give a certificate on each of the said transcripts, that the same are in conformity to law and to the provisions of this Act, or point out in what part or parts the said rules are repugnant thereto, and on what grounds and for what reasons they are so repugnant, and how and in what manner they can be made conformable thereto; and that the fee payable to such Barrister for advising as aforesaid, and perusing the rules or alterations or amendments of the rules of each Society, and giving such certificates as aforesaid, and stating such grounds or reasons, or suggesting such alterations as aforesaid, shall not at any one time exceed the sum of *One Guinea*, which, together with the expense of conveying the rules to and from the said Barrister, shall be defrayed by each Society; and one of such transcripts, when certified by the said Barrister, shall be returned to the Society, and another of such transcripts shall be transmitted by such Barrister to the said Society hereby incorporated, and the other of such transcripts shall be transmitted to the Clerk of the Peace for the county wherein such Society shall be formed, and be by him filed with the Records of the Sessions of the Peace in his custody without fee or reward; and that all rules, alterations and amendments thereof, from the time when the same shall be certified by the said Barrister, or certified, confirmed and allowed by the said Society hereby incorporated, as hereinafter provided, shall be binding on the several members or officers of the said Society and all other persons having interest therein.

16.
No further
Fee to be paid
within a cer-
tain period.

Provided always, and be it Enacted, That the said Barrister shall be entitled to no further fee for or in respect of any alteration or amendment

amendment of any rules upon which one fee has been previously paid to the said Barrister within the period of *Three Years*: Provided also, That if any rules, alterations or amendments are sent to such Barrister, accompanied with an affidavit of being a copy of

5 any rules or alterations or amendments of the rules of any other Society which shall have been previously enrolled under the provisions of this Act, the said Barrister shall certify and return the same as aforesaid, without being entitled to any fee for such certificate.

- 10 Provided always, and be it Enacted, That in case any such Barrister shall refuse to certify all or any of the rules so to be submitted for his examination, it shall then be lawful for any such Society to submit a transcript of the same to the Society hereby incorporated, together with the reasons assigned by the said Barrister, in writing,
- 15 for any such disapproval of any one or more of such rules, and that the Society hereby incorporated may, if they think fit, certify, confirm and allow the same, notwithstanding any such disapproval by any such Barrister; and such transcript so certified, confirmed and allowed shall be filed by such Clerk of the Peace as aforesaid
- 20 with the Records of the Sessions of the Peace in his custody without fee or reward.

17.
In case Barrister refuses to certify.

- And be it Enacted, That every such Loan Fund Society shall and may from time to time, at any of their usual meetings, or by their Committee, if any such shall be appointed for the Society,
- 25 which Committee such Society is hereby authorized to appoint, elect and appoint such persons into the offices of Trustee, Manager, Treasurer, Officer, Clerk or servant of such Society, as they shall think proper, to carry into execution the purposes of such Society, for such space of time and for such purposes as shall be fixed and
- 30 established by the rules of such Society, and from time to time to remove any such Officers, and appoint others in the room of those who shall vacate, die or be removed.

18.
Loan Fund Societies may appoint Officers.

- And be it Enacted, That every Treasurer or other Officer or person whosoever, intrusted with the receipt or custody of any money belonging or lent to any such Society as aforesaid, shall become bound
- 35 with sufficient sureties for the just and faithful execution of such office or trust, in a sum of money of reasonable amount, regard being had to the amount or extent of the trust committed to such Treasurer or other Officer; and if in any instance it should appear to the
- 40 Society hereby incorporated that the security so found is insufficient, either as regards the solvency of the sureties or the amount of the security or otherwise, the said Society hereby incorporated shall require that increased or better security be found; and if any such

19.
Treasurer to give Security.

Loan Fund Society shall fail to comply with such requisition, the Society hereby incorporated may proceed to act with regard to such Loan Fund Society in like manner as is hereby authorized with regard to any such Society violating the provisions of this Act.

20.
Security to
be by Bond.

And be it Enacted, That the security of Officers as aforesaid shall be given by bond to the Clerk of the Peace for the county or place where such Society is established without fee or reward, and in case of forfeiture, the Trustees of such Society may sue upon such bond in the name of the Clerk of the Peace for the time being, and carry on such suit at the cost of and for the use of the Society, fully indemnifying and saving harmless such Clerk of the Peace from all costs of such suit or in respect thereof. 5 10

21.
Amount of
Remunera-
tion to Offi-
cers to be
fixed by the
Rules of the
Society.

And be it Enacted, That no such Society as aforesaid shall pay to any Clerk, Officer or servant any salary or other allowance, unless the amount at a reasonable limit shall be fixed by the rules of such Society, and the Society hereby incorporated may reduce or increase prospectively the amount or limit of any such salary or allowance, and likewise reduce every other expense to be incurred by any such Society in the management thereof, for house-rent, stationery or otherwise, and after such reduction shall be notified to any such Society, the amount of the reduced sums shall not be exceeded. 15 20

22.
Managers
and Trustees
debarred from
receiving Re-
muneration.

Provided also, and be it Enacted, That no Loan Fund Society shall have the benefit of this Act, unless it shall be expressly provided by the rules for the management thereof that no person or persons, being Manager or Trustee of such Society, shall directly or indirectly receive any salary or other remuneration for attendance, or for any other services performed for such Society, nor shall any expense be incurred or salary or other allowance made unless such as shall be expressly provided for by the rules of the Society, or shall be necessary for the due management of the Society according to such rules. 25 30

23.
Books to be
kept.

And be it Enacted, That all rules from time to time made and in force for the management of any such Society as aforesaid, and duly enrolled, shall be entered in a book or books to be kept by an Officer of such Society to be appointed for that purpose, and which book or books shall be open at all seasonable times at least One Day in the Week for the inspection of persons obtaining Loans from or granting Loans to such Society ; and such rules and regulations shall be binding on the several members and officers of such Society, and on the several persons obtaining Loans from or granting Loans to the same and their representatives, as well as those parties who may become the sureties for the repayment of any Loan, all of whom 35 40

whom shall be deemed and taken to have full notice thereof by such entry and filing with the Clerk of the Peace ; and the entry of such rules in such book or books as aforesaid, or the transcript thereof filed with the Clerk of the Peace, or a true copy of such transcript
 5 examined with the original and proved to be a true copy, shall be received as evidence of such rules respectively in all cases, and no certiorari shall be brought or allowed to remove any such rules into any of Her Majesty's Courts of Record ; and every copy of any such transcript filed with any Clerk of the Peace as aforesaid shall
 10 be made without fee or reward, except the actual expense of making such copy, and such copy shall not be subject to any Stamp Duty.

And be it Enacted, That all monies, goods, chattels and effects whatsoever belonging to any such Society shall be vested in the Trustee or Trustees of such Society for the time being, and the
 15 respective members thereof, their respective executors and administrators, according to their respective claims and interest, and after the death, resignation or removal of any Trustee or Trustees, shall vest in the surviving or succeeding Trustee or Trustees for the same estate and interest as the former Trustee or Trustees had therein,
 20 and subject to the same trusts, without any assignment or conveyance whatever, and also shall for all purposes of action or suit, as well criminal as civil, in law or equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be the property
 25 of the person or persons appointed to the office of Trustee or Trustees of such Society for the time being, in his or their proper name or names, without further description ; and such person or persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit or
 30 prosecution, criminal as well as civil, in law or equity, touching or concerning the property, right or claim of such Society, and to sue and be sued, plead and be impleaded in his or their proper name or names as Trustee or Trustees of such Society, without other description ; and no suit, action or prosecution shall be discontinued or
 35 abate by the death of such person or persons, or his or their removal from the office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper name or names of the person or persons commencing the same, any law, usage or custom to the contrary notwithstanding ;
 40 and such succeeding Trustee or Trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names for the benefit of or to be reimbursed from the funds of such Society.

24.
 Vesting
 Effects of
 Society in the
 Trustees.

25.
Limiting
amount of
Loans on
Personal
Security.

And be it Enacted, That it shall not be lawful to and for any such Society to make any Loan on personal security to any one individual at any one time exceeding in amount the sum of *Fifteen Pounds* ; and that no second or other Loan shall be made to the same individual until the previous Loan is repaid.

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26.
Securities,
Leases, &c.
exempt from
Stamp Duty.

And be it Enacted, That no note or other security or undertaking which may be entered into for the repayment of any Loan made by any Society established under the provisions of this Act, nor any receipt or entry in any book of receipt, for money lent or paid, nor any draft or order, nor any appointment of any agent, nor any bond or other instrument or document whatever required to be given, issued, made or provided either by this Act or in pursuance of the rules of any such Society, and no lease or agreement to be made to or by, or entered into with the said Society hereby incorporated, nor any appointment of any attorney or agent under the powers herein contained, shall be subject to or chargeable with any Stamp Duty whatsoever.

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27.
Interest to be
paid before
hand if re-
quired.

And be it Enacted, That it shall and may be lawful to and for the Trustees or Managers of any Society established under the provisions of this Act to demand and receive from the person to whom any Loan may be made, at the time of making the same, the full amount of interest up to the time fixed for payment of the last instalment which would be due on the whole money so advanced, at a rate not exceeding Sixpence in the Pound for Twenty Weeks ; and to receive the amount of the principal by instalments, at such times and in such proportions as the said Trustees or Managers may think fit ; and to take a note or security for the whole amount of the Loan, the same or so much thereof as shall be expressed to be sued for and recovered, immediately on failure of the payment of any of the instalments, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts relating to usury.

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28.
To whom
Securities,
Notes, &c.
to be payable.

And be it Enacted, That all notes and securities entered into for the payment of such Loans shall be made payable to the Treasurer or Clerk for the time being of the said Society ; and if the party or parties liable to pay the same shall fail in the payment of any of the instalments as agreed to by the conditions or terms of the Loan according to the rules of the Society, it shall and may be lawful for any One of Her Majesty's Justices of the Peace for the county, riding, city, division or place where such party or parties, or any one of them so liable, shall or may happen to be or reside, or where such Loan Society carries on its business ; and such Justice is hereby required,

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40

upon complaint made by or on behalf of such Treasurer or Clerk as aforesaid, to summon the person or persons against whom such complaint shall be made, to appear either before himself or before the Justices assembled at the Petty Sessions of the district where such person or persons reside, or where such Society carries on its business, and after his, her or their appearance, or in default thereof, upon due proof upon oath of such summons having been duly served, such Justice or Justices shall proceed to hear and determine the said complaint, and award such sum to be paid by the person or persons respectively liable to the payment of any such note or security to such Treasurer or Clerk as aforesaid, as shall appear to such Justice or Justices to be due thereon, together with such a sum for costs, not exceeding the sum of *Five Shillings*, as to such Justice or Justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such sum of money as upon such complaint as aforesaid shall be adjudged, such Justice or Justices shall, by warrant under his or their hand and seal or hands and seals, cause the same to be levied by distress and sale of the goods of the party so neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, and returning the overplus (if any) to the owner; and no such proceedings shall be removed by certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

And be it Enacted, That if it appear to the Society hereby incorporated, after due investigation and inquiry, that any of such Loan Fund Societies as aforesaid have not adhered strictly to their rules, or have applied any of their profits, or done any matter or thing contrary to the provisions of this Act, the Society hereby incorporated may cause an advertisement to be inserted to that effect in the London Gazette, and in some county paper circulating in the district in which such Loan Society carries on its business, and shall also notify the same to the Clerk of the Peace with whom the rules may have been filed, and after the space of Six Months after such advertisement has so appeared, the Managers of such Society shall no longer avail themselves of the provisions of this Act, nor shall any Justice of the Peace award any sum to be paid to them in consideration of any note or security issued under the rules of such Society; or the Society hereby incorporated may, if they so think fit, after notifying their intention or decision in that behalf to such Loan Fund Society, and also to the Clerk of the Peace as aforesaid, cause the affairs of such Society to be wound up, and for that purpose may appoint a fit person to call in and receive all outstanding debts and demands, and either in his own name, or in the name of the Treasurer, Trustees or other Officer of such Society, to institute the necessary proceedings for that purpose, and such person shall have all the powers vested in the said Treasurer, Trustees or other Officer of such

29.
National
Loan Fund
Society may
interfere in
cases where
Loan Fund
Societies have
not adhered
to their
Rules.

Society under this Act; and if, after paying all lawful debts and demands, and all necessary expenses, any surplus, effects or property shall remain, the Society hereby incorporated, or the Trustees of such Loan Fund Society, with the consent of the Society hereby incorporated, may appropriate the same to the establishment of any other Loan Fund Society, or to increase the capital of any existing Loan Fund Society in the same county, or to such local useful purpose as the Society hereby incorporated may think proper. 5

30.
Officers
not to take
Rewards from
Borrowers.

And be it Enacted, That no Clerk, Officer or servant of any Loan Fund Society hereafter to be established under the provisions of this Act, or entitled to the benefit thereof, shall directly or indirectly have, receive and take any bonus, gratuity or present from any borrower from such Society; and in case any such Clerk, Officer or servant shall offend herein, he shall be liable to a penalty of *Twenty Pounds*, to be recovered by the Treasurer or Clerk for the time being of such Society in the same manner as is hereinbefore provided for the recovery of any Loan granted by such Society; the said penalty, when recovered, to be applied in aid of the funds of such Society. 10 15

31.
Affairs of
Loan Fund
Societies not
to be con-
ducted at
Hotels or
Public-
houses.

And be it Enacted, That none of the affairs or business of any such Loan Fund Society shall on any account or pretence whatever be conducted, carried on or transacted at any hotel, tavern, public-house, beer-shop or house of entertainment; and any and every Officer or servant of any such Society who shall offend herein shall forfeit the sum of Ten Pounds, to be recovered by the Treasurer or Clerk for the time being of such Society, in the same manner as is hereinbefore provided for the recovery of any Loan granted by such Society; the said penalty, when recovered, to be applied in aid of the funds of the Society. 20 25

32.
Persons
advancing
Money may
transfer the
same by a
written Order.

And be it Enacted, That every person who shall have advanced any sum of money by way of Loan to any such Loan Fund Society as aforesaid, shall be and is hereby authorized and allowed to dispose of and transfer any part or the whole of the amount of the money so advanced by him as aforesaid, by a written order, directed to the Trustee or Trustees for the time being of such Society, such order to be signed by Two respectable housekeepers, as witnesses; and the person or persons to whom such transfer shall be made as aforesaid shall, so soon as the order shall be delivered to the Trustees of such Society or their Clerk, stand possessed of and be entitled to the amount of such transfer, together with all interest and benefit, claims and demands whatsoever arising or to accrue therefrom, as fully to all intents and purposes as if he or they had been the parties who had originally advanced the sum to such Society, and 30 35 40

and such order and transfer shall not be liable to any Stamp Duty or Parliamentary imposition whatever.

And be it Enacted, That if any Society or Societies now or hereafter to be formed for the purpose of establishing charitable pawn or deposit offices, at which money may be lent to the industrious poor upon pledge, shall be desirous of having the benefit of this Act, such Society or Societies shall in like manner cause the rules framed or to be framed for their management respectively to be certified; deposited and enrolled in manner hereinbefore directed with reference to Loan Fund Societies desiring the benefit of this Act; and thereupon such Societies shall be deemed and be entitled to and shall have the benefit of the provisions contained in this Act, so far as the same are applicable to the objects of such charitable pawn or deposit offices.

33.
Extending
benefits of the
Act to Cha-
ritable Pawn
Offices.

And be it Enacted, That the Trustees of every Society established under the provisions of this Act, or which may become entitled to the benefit thereof, shall cause an Abstract of the accounts of such Society for each year to be made out, up to and ending on the Thirty-first of December, together with a Statement of the funds and effects and of the debts or liabilities of such Society, and an Estimate of the clear net profit or loss up to that period; which Abstract, Statement and Estimate shall be in such form, and shall contain such particulars connected with the accounts and transactions of such Society, as the said Society hereby incorporated shall from time to time direct; and a copy of such Abstract, Statement and Estimate, duly certified to be correct by the Secretary, Treasurer, and at least One Trustee of the Society rendering such Statement, shall, some time in the month of January in each year, be transmitted to the Society hereby incorporated.

34.
Abstract of
Accounts to
be prepared.

And be it Enacted, That the Society hereby incorporated, and any Loan Fund Society, may appropriate any portion of the clear net profits of their respective Societies, as they think proper, towards the improvement of the drainage of the cottages or dwellings of labourers or others, the establishment and efficient support of agricultural schools and museums, and the promotion of instruction in improved modes of culture, or such other objects as the said Society hereby incorporated shall direct; but no part of any such net profits shall be appropriated in any way for the advantage or benefit of any member of the Society hereby incorporated, or other Society as aforesaid, or of the persons managing or conducting the same, or for any other purpose whatsoever, except as part of or in aid of the funds of the said Society hereby incorporated, or such other Society

35.
Appropriation
of Profits.

as aforesaid, to be used according to the rules thereof; and that on the dissolution of any such Loan Fund Society, or its ceasing to act for the purposes for which it was established, or its being deprived of the benefit of this Act, the whole of the clear net profits not previously appropriated, after payment of all debts, of all claims thereon, and of all losses, shall be appropriated to such Hospital or Infirmary, or to such other local beneficial purposes as the Trustees of such Society, with the approbation of the Society hereby incorporated, shall think proper: Provided nevertheless, That nothing herein contained shall prevent the Society hereby incorporated from paying to One, but not more than One, member of the said Society such salary or remuneration as to the said Society may appear proper. 5 10

36.
Trustees, &c.
competent
Witnesses.

And be it Enacted, That on the trial of any action, indictment, or other proceeding, respecting the property of any Society enrolled under the authority of this Act, or in any proceedings before any Justice of the Peace, any Trustee, Manager, Member, Officer, Clerk or servant of such Society shall be a competent witness, and shall not be objected to on account of any interest he may have in the result of such action, indictment or other proceeding. 15 20

37.
Definition of
Terms.

And be it Enacted, That in the construction of this Act, the word "Lands" shall extend to messuages, tenements and hereditaments, and of every or any tenure. 25

38.
Act to be
deemed
Public.

And be it Enacted, That this Act shall be deemed a Public Act, and shall extend to England, Wales, Berwick-upon-Tweed, and the Islands of Guernsey, Jersey and Isle of Man, and shall be judicially taken notice of as such by all Judges, Justices and other persons, without the same being specially shown or pleaded. 25

39.
Commence-
ment of Act.

And be it Enacted, That this Act shall commence and take effect from and after the
in the present year One thousand eight hundred and Forty-three. 30

40.
Act may be
amended or
repealed.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Industrious Classes.

A

B I L L

To encourage Industry, by facilitating the letting small Allotments of Land, and to provide for the Regulation of Loan Societies.

(Prepared and brought in by
Lord Ashley, the Earl of Arundel and Surrey,
and Mr. Stanton.)

Ordered, by The House of Commons, to be Printed,
24 July 1843.

471.

Under 3 oz.



A

B I L L

To promote the letting of Field Gardens to the Labouring Poor.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

W^H~~HEREAS~~ the practice of letting small allotments of Land Preamble:
or Field Gardens to poor labourers and artisans has been
found greatly to better their condition, and it is expedient, under
certain regulations, to increase the means of obtaining land for such
purpose, and to establish in Parishes trustees to manage and super-
intend such Field Gardens :

And whereas by an Act passed in the twenty-second year of the 22 Geo. 3, 83,
s. 27.
reign of his late Majesty King GEORGE the Third, intituled, “An
Act for the better Relief and Employment of the Poor,” certain
power is given to the Guardians to be appointed under the provi-
sions of the said Act, for inclosing certain portions of waste land for
the benefit of the poor inhabitants of the Parish :

And whereas by an Act passed in the fifty-ninth year of the 59 Geo. 3, c.
12, s. 12.
reign of his said late Majesty King GEORGE the Third, intituled,
“An Act to amend the Laws for the Relief of the Poor,” certain
power is given to the Churchwardens and Overseers of the poor to
provide land for the purpose of letting the same to the poor inhabit-
ants of the parish :

And whereas an Act was passed in the first and second years of 1 & 2 Will. 4,
c. 42.
the reign of his late Majesty King WILLIAM the Fourth, intituled,
“An Act to amend an Act of the Fifty-ninth Year of his Majesty
King GEORGE the Third, for the Relief and Employment of the
Poor :”

5 & 6 Will. 4,
c. 69, s. 4.

And whereas another Act was passed in the said first and second years of his said late Majesty King WILLIAM the Fourth, intituled, "An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown, for the Benefit of Poor Persons residing in the Parish in which such Crown Land is situate :"

5

And whereas an Act was passed in the fifth and sixth years of his said late Majesty King WILLIAM the Fourth, intituled, "An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and Incorporations, or Unions of Parishes, in England and Wales :"

10

And whereas it is expedient to alter the said Acts, so far as the same empower Churchwardens or Overseers or Guardians of the Poor to take or hire land for the purpose of letting the same to poor inhabitants of the parish ;

1.
Powers of
recited Acts
enabling
Overseers and
Guardians to
take or pur-
chase land
for Garden
Allotments,
to cease on
election of
Field Garden
Wardens.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the election of Field Garden Wardens for any parish as hereinafter provided, all the powers and authorities of the said recited Acts enabling Churchwardens and Overseers and Guardians of the Poor to take into their hands any land or ground belonging to such parish, or to the Churchwardens and Overseers of the Poor of such parish, or to the poor thereof, or to purchase or to hire and take on lease any land on account of the parish, or to inclose from any waste, forest or common belonging to the Crown, or otherwise, any land or ground for the purpose of letting the same in small portions or allotments to poor inhabitants of the said parish, shall wholly cease and determine.

15

20

25

2.
2 Will. 4,
c. 42, repealed.

AND whereas an Act was passed in the second year of his late Majesty King WILLIAM the Fourth, intituled, "An Act to authorize (in Parishes inclosed under an Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers :"

AND whereas it is expedient to repeal the said last-recited Act ; BE it therefore Enacted, That the said last-recited Act shall be and the same is hereby repealed.

30

35

3.
Officiating
Minister of
every Parish
to call a
Meeting of
the Land-
owners and
Occupiers of
Land, and of
the Inhabit-

And be it Enacted, That it shall be lawful for the officiating Minister of every parish, by notice in writing under his hand, to be affixed to the principal doors of the churches and chapels of the said parish on some day in the month of August next, after the passing of this Act, not later than the *Fourteenth* day of such month, to call a meeting of the owners and occupiers of land, and of the inhabitant

40

inhabitant householders of the parish, for the purpose of choosing
 Four persons to be Trustees or Wardens of the Field Gardens of
 the said parish, such meeting to be held at some convenient place
 in or near to the said parish, on some day not less than *Twenty-one*
 5 Days nor more than *One calendar Month* after the publication of such
 notice, and such notice shall be to the following effect :

ant House-
holders.

“I, the Reverend A. B., Clerk, officiating Minister of the
 parish of C., do, pursuant to the provisions of an Act passed,
 et cetera, and intituled, et cetera, hereby give notice, that
 10 a meeting of the owners and occupiers of land, and of the
 inhabitant householders of the said parish, will be held
 on the day of
 next at at the hour of
 o'clock in the noon, for the purpose of choosing
 15 Four fit and proper persons to be Wardens of the Field
 Gardens of the said parish. Dated this day of
 August in the year of our Lord

Form of
Notice of
Meeting.

(signed) “ A. B.

“ Officiating Minister.”

20 And be it Enacted, That in case the officiating Minister of any
 parish shall refuse or neglect to give such notice as aforesaid, before
 the Fifteenth day of August in any year when such meeting is by
 this Act directed to be held, then it shall be lawful for the Church-
 wardens and Overseers of the said parish, or the major part of
 25 them, by a like notice in writing, under their hands, and published
 in manner aforesaid, to call such meeting of the owners and occupiers
 of land, and of the inhabitant householders of the said parish ; and
 in case the said Churchwardens and Overseers shall refuse or neglect
 to give such notice before the last day of August in any such year,
 30 then it shall be lawful for any inhabitants of the said parish, who
 shall occupy not less than *One-sixth* part in value of all the houses
 and lands of the said parish rated to the relief of the poor, by
 a like notice in writing under their hands, and published in
 manner aforesaid, to call such meeting: Provided always, That
 35 such meeting shall in all cases be held on some day not less than
Twenty-one Days nor more than *One calendar Month* after the
 publication of such notice.

4.
In case of
Officiating
Minister fail-
ing to call
such meeting,
Church-
wardens and
Overseers to
call the same.

In case of
Church-
wardens and
Overseers
failing to call
such meeting,
Inhabitants
to call the
same.

And be it Enacted, That the officiating Minister shall, if he
 40 be present, act as Chairman of such meeting ; but in case of his
 absence, the persons present shall elect a Chairman, and shall
 then proceed to elect Four fit and proper persons to be Wardens
 of the Field Gardens of the said parish, in manner following ;
 (that is to say) the majority of those present, who shall be either

5.
Officiating
Minister, if
he be present,
to be Chair-
man of the
Meeting; if
he be absent,
Chairman to
be elected.
Meeting to
elect two

persons to be
Wardens of
the Field
Gardens.

landowners of the said parish, or, being occupiers, shall be severally rated to the relief of the poor on assessments exceeding *Ten Pounds* yearly value, shall elect Two such Wardens; and the majority of those present who shall be householders of the said parish, and shall be rated to the relief of the poor on assessments not exceeding *Ten Pounds* yearly value, shall elect Two other such Wardens; and the Chairman shall at such meeting declare the names of the persons who have been so elected as aforesaid, and shall immediately after such election notify the same to the persons so elected, and also to the officiating Minister and Churchwardens of the said parish, who shall cause the names of the persons so elected to be affixed on the principal outer doors of the churches and chapels in the said parish on the two Sundays next after such election.

6.
Officiating
Minister and
the two
Wardens to
be the Field
Garden
Wardens of
the Parish.

And be it Enacted, That the officiating Minister for the time being, and the Wardens of the Field Gardens so elected as aforesaid, shall be the Trustees of the Field Gardens of the said parish, for the purpose of carrying this Act into effect, and shall be styled the "Field Garden Wardens" of the said parish; and the said Field Garden Wardens, or the major part of them, shall have full power and authority to do all the acts and things authorized or required by this Act; and upon the death or retirement from office of either of the said Wardens so elected as aforesaid, it shall be lawful for the continuing Field Garden Wardens to elect some other fit and proper person from among the landowners and rate-payers of the said parish, to be Warden in the room of the person so dying or ceasing to act, and until such election it shall be lawful for the continuing Wardens, or the major part of them, to act as if no such vacancy had occurred.

Upon death
or resignation
of either of
the elected
Wardens,
continuing
Wardens to
appoint an-
other, and to
act until such
appointment
is made.

7.
In case of
Wardens re-
fusing to act,
Officiating
Minister to
call fresh
meeting.

And be it Enacted, That in case any Field Garden Warden, elected as aforesaid, shall refuse to act, then the officiating Minister shall by like notice and in like manner call another meeting of the owners and occupiers of land, and of the inhabitant householders of the parish, for the purpose of electing some other fit and proper person to be a Field Garden Warden in the place of the person so refusing to act, and such meeting shall be held on some day not less than *Twenty-one* Days nor more than *One calendar Month* after the date of the notice of such meeting.

8.
Field Garden
Wardens to
hold their
office for
Three Years.

And be it Enacted, That the Field Garden Wardens so elected as aforesaid shall hold their office for *Three* Years from the date of their election, and at the end of *Three* Years, and of every succeeding period of *Three* Years, there shall be a new election of Field Garden Wardens in manner aforesaid: Provided always, That every person who shall have held the office of Field Garden Warden shall,

shall, at any future election, be re-eligible to such office : Provided also, That in case no notice of such new election shall be given, and until such new election shall take place, the said Field Garden Wardens whose term of office shall have expired shall continue to
 5 act as the Field Garden Wardens of the said parish.

And be it Enacted, That it shall be lawful for the Field Garden Wardens of any parish (if they shall think fit, but not otherwise) for the purposes of this Act, to take into their hands any land or ground belonging to such parish or to the Churchwardens and
 10 Overseers or Guardians of the poor of such parish, or to the poor thereof (and which shall not be used or cultivated as a parish farm for the employment of the poor of the said parish, under the said recited Acts or any of them), and to hire and take on lease any
 15 of any tenure or kind whatsoever : Provided always, That the total quantity of land so taken and hired shall not exceed the proportion of *One half-acre* to every inhabitant householder of the said parish, whose holding shall be rated to the relief of the poor on an assessment not exceeding *Ten Pounds* yearly value.

9.
 Field Garden Wardens may take Land belonging to the Parish, or may hire Land for the purposes of the Act.

Land so taken and hired not to exceed half an acre for every Rate-payer assessed at not more than 10*l*.

And be it Enacted, That the powers and authorities given by the said Act of the fifty-ninth year of King GEORGE the Third to Justices of the Peace, to cause possession of parish land to be delivered to the Churchwardens and Overseers of the poor, and any other auxiliary powers or provisions in the said Acts or other Acts
 25 contained in relation thereto, shall extend to and shall be exercised by such Justices, in respect of any lands which the Field Garden Wardens of any parish are by this Act authorized to take and hold, in the same manner as if the name of the Field Garden Wardens had been inserted in the said Acts, instead of the names of the
 30 Churchwardens and Overseers of the Poor.

10.
 Powers of 59 Geo. 3, c. 12, extended to Field Garden Wardens.

And be it Enacted, That upon the inclosure of any common or waste lands hereinafter to be made, under any general or local Inclosure Act, it shall be lawful for the said Field Garden Wardens to require and take a perpetual lease of so much of the said common or waste
 35 lands, not exceeding *One twentieth* part of the whole (but nevertheless subject to the provisions hereinbefore contained for limiting the quantity of land to be held by the said Field Garden Wardens), at such yearly or other rent as shall be fixed by the Commissioner or valuer acting in the said inclosure ; and the said Commissioner or
 40 valuer is hereby authorized and required, on receiving a request in writing, under the hands of the said Field Garden Wardens, to set out such portion of the said common or waste land as aforesaid, in a situation as contiguous to the dwellings of the labouring poor, and as con-

11.
 Upon the inclosure of any Common, Field Garden Wardens may demand to have a perpetual lease of part of common.

Upon receiving requisition from the Field Garden Wardens' Inclosure, Commissioners to set out Field Garden Allotment.

Inclosure
Commis-
sioner to fix
the amount
of Rent to be
paid by the
Field Garden
Wardens.

To whom
rent payable.

To specify
the persons
entitled to
enjoyment of
land in case
of Field Gar-
den Wardens
giving up pos-
session.

12.

Rent for last-
mentioned
Land may be
revised at the
end of every
successive
period of
Seven Years,
on application
to Quarter
Sessions.

Amount of
revised Rent to
be regulated
by prices of
Wheat, Bar-
ley and Oats,
as ascertained
by the adver-
tisement in
the Gazette,
under 6 & 7
Will. 4. c.

Party apply-
ing for re-
vision to bear
all the Costs
of this appli-
cation.

venient as may be, regard being had to the objects to which it is to be applied, and to allot the same to the said Field Garden Wardens and their successors for the purposes of this Act; and by his award to fix the amount of rent to be paid by the said Field Garden Wardens for the occupation of the said land; and also to set forth the name or names of the person or persons to whom the same rent shall be paid (having regard to the interests of those persons who but for this Act would be entitled to have the said land allotted to them), or the object to which the same rent shall be applied; and also to set forth the name or names of the person or persons who shall be entitled to the enjoyment of the said land, upon the Field Garden Wardens giving up possession of the same, as hereinafter mentioned; and the said Field Garden Wardens shall pay such rent from time to time as the same shall become due to such person or persons, and in such manner as the said award shall direct.

And be it Enacted, That at the expiration of *Seven Years* after the time when such rent shall have been fixed by such Commissioner or valuer by his said award, and in like manner at the expiration of every other successive period of *Seven Years*, but not at any other intervening time, it shall be lawful for the said Field Garden Wardens, or for the persons entitled to receive the said rent, or the major part of such persons, to make application in writing for a revision of the amount of the said rent at the first Quarter Sessions for the county in which the parish is situate; and the Justices in Quarter Sessions assembled, or the major part of them, shall order and direct the amount of the said rent to be increased or diminished according and in proportion to the increase or decrease which shall have taken place in the prices of wheat, barley and oats as ascertained by the advertisement inserted in the London Gazette in the month of January next preceding the holding of such Quarter Sessions, under the provisions of an Act passed in the sixth and seventh years of his late Majesty King WILLIAM the Fourth, and intituled, "An Act for the Commutation of Tithes in England and Wales," above or below the prices of wheat, barley and oats stated in the like advertisement which shall have been published next before the first fixing of the said rent by the said Commissioner or valuer, or, if such rent shall have been previously revised, next before the last revision of such rent; and the amount of rent so altered and revised by the said Justices shall continue until a new revision of the said rent shall have been made in manner aforesaid: Provided always, That the costs and expenses attendant on such application shall be borne and paid by the party applying for such revision of the said rent.

And

And be it Enacted, That it shall be lawful for the said Field Garden Wardens to vacate the lease under any such inclosure, and to quit and deliver up possession of the land thereby allotted to them, at any time (but nevertheless at such time of the year only as the annual or other rent fixed by the said award is made payable) after giving *Six Months'* notice of such their intention to the person or persons who shall or may be entitled under the said award to the enjoyment of the said land, after it shall have ceased to be held by the said Field Garden Wardens.

13.
Field Garden Wardens may give up possession of last-mentioned lands on giving *Six Months'* notice.

10 AND whereas in parishes inclosed under Acts of Parliament there are in many cases allotments made for the benefit of the poor, which are now comparatively useless and unproductive; BE it Enacted, That it shall and may be lawful for the Trustees of the said allotments to let the same to the Field Garden Wardens of the parish in which the same are situated, for such term of years and such fair and reasonable rents as may be agreed upon between the said Trustees and the said Field Garden Wardens.

14.
Trustees of Poor Allotments under local Acts may let the same to Field Garden Wardens.

AND whereas such last-mentioned allotments have in some cases been let by the Trustees thereof to cottagers, as field gardens or cottage allotments, under and by virtue of the said Act hereby repealed; BE it Enacted, That in all such cases the said Trustees shall from the passing of this Act, have all the powers and remedies hereby given to the Field Garden Wardens of any parish, and shall act and demean themselves, in relation to the said field gardens or cottage allotments and the occupiers thereof, as if they had been appointed Field Garden Wardens under the provisions of this Act: Provided always, That on the appointment of Field Garden Wardens for the parish in which the same allotments are situate, it shall be lawful for the said Trustees immediately to let or demise the same to the said Field Garden Wardens, and the said Field Garden Wardens shall thereupon become entitled to receive the rents thereof, and all arrears which may be then due, and shall have the like means of enforcing payment of the rents thereof, and of obtaining possession thereof, and all the like powers and remedies as if the same had been let by them under the provisions of this Act.

15.
Trustees of Poor Allotments to have the same powers and remedies as Field Garden Wardens.

And be it Enacted, That the rent to be paid by the said Field Garden Wardens, for the use of the said allotments hereinbefore last-mentioned, shall be applied by the said Trustees in the purchase of fuel, to be distributed in the winter season among the poor parishioners legally settled and resident in the said parish.

16.
Rent of such Poor Allotments to be applied in purchase of Fuel.

And be it Enacted, That when any lands are held under any lease for a term of years, it shall be lawful for the lessor, with the

17.
When Lands under lease, Lessor may, with consent

of Lessee, let
part of de-
mised Lands to
Field Garden
Wardens.

the consent of the lessee, to let any portion of the said demised lands to the Field Garden Wardens of any parish, for and during the residue of such term, for such rent as may be agreed upon between the said lessor, lessee and Field Garden Wardens, without in any way affecting, disturbing or making void the said lease, or the covenants, conditions and provisoes therein contained, or any of them, so far as the same relates or relate to the residue of the lands therein contained; and the amount of the rent agreed to be paid by such Field Garden Wardens shall be indorsed in a memorandum on the said lease; and the said lessee, his executors, administrators and assigns, shall be discharged and exonerated from so much and such part of the rent reserved in the said lease as is mentioned and set forth in the said memorandum. 5 10

18.
Corporate
Bodies, Te-
nants for Life,
&c., may
demise Lands
to Field Gar-
den Wardens.

And be it Enacted, That it shall be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, husbands, guardians, feoffees in trust, committees and trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of cestuique trusts, whether infants, issue unborn, lunatics, idiots, femmes-covert or other persons, and for all femmes-covert who are or shall be seised in their own right, and for all mortgagees in fee in possession, and for all tenants for life or lives, and for all other persons whomsoever who shall be seised of any lands, to let and demise the same or any part thereof to the Field Garden Wardens of the parish in which the same are situate, and their successors, for any term of years not exceeding *Twenty-one* from the commencement thereof: Provided always, That there shall be reserved in the said demise a fair and reasonable rent, and after the same rate as is usually obtained for the occupation of lands of similar quality in the said parish. 15 20 25

19.
Field Garden
Wardens
may take and
sue as Cor-
porate Bodies.

And be it Enacted, That all lands which shall be hired or taken on lease by the Field Garden Wardens of any parish shall be demised to the said Field Garden Wardens and their successors, and such Field Garden Wardens shall and may and they are hereby empowered to take and hold, in the nature of a body corporate, for the purposes of this Act, all such lands; and in all leases, agreements or other instruments to be executed, entered into or made under the provisions of this Act, it shall be sufficient to describe the Field Garden Wardens as the Field Garden Wardens of the parish for which they may be appointed, naming such parish; and such leases, agreements and other instruments shall be valid and effectual in law, if signed by the major part of the Field Garden Wardens for the time being, and shall bind the said Field Garden Wardens and their successors; and in all actions, suits, indictments and other proceedings 30 35 40

proceedings for or in relation to any lands taken or hired for the purposes of this Act, it shall be sufficient to name the Field Garden Wardens for the time being, describing them as the Field Garden Wardens of the parish for which they shall act, and naming such parish; and no action or suit, indictment or other proceeding shall abate or be discontinued, quashed or impeded by the death of the Field Garden Wardens named in the pleadings in any such suit or action, or in any such indictment or other proceeding, or the deaths or death of any of them, or by their removal or the removal of any of them from or by the expiration of their respective offices; and all leases of lands to the Field Garden Wardens of any parish for the purposes of this Act may be in the form set forth in the Schedule appended to this Act: Provided always, That whenever any lands which shall have been taken or hired by any Field Garden Wardens shall cease to be held by them for the purposes of this Act, or whenever the Field Garden Wardens of any parish in whom any lands are vested shall cease to hold office, and no other persons shall be elected in their stead, then the same lands shall revert to and be re-vested in the person or persons who, but for the purposes of this Act, would be entitled to the possession thereof, and be subject to the like uses, trusts and purposes as the same were subject to, previous to their being taken or hired by the said Field Garden Wardens.

Actions, &c.,
not to abate
by death or
resignation of
Field Garden
Wardens.

Form of Lease
to Field Gar-
den Wardens

And be it Enacted, That, in order to enable the Field Garden Wardens of any parish to obtain possession of lands and to carry out the purposes of this Act, it shall be lawful for the said Field Garden Wardens from time to time, whenever any rent reserved on any demise of lands to them or by them agreed to be paid under any agreement, or whenever any parochial or other rates or taxes, or any tithes or rent-charge in lieu of tithes, in respect of such lands, shall become due, to give an order under their hands for payment of such rent, rates, taxes, tithes or rent-charge directed to the Overseers of the parish; and upon receipt of the said order, the said Overseers are hereby directed and required to pay to the person presenting the same the amount mentioned in such order out of any money belonging to the said parish in their hands, and upon the auditing of the accounts of the said parish the auditor is hereby required to allow the same.

20.
Field Garden
Wardens may
give orders
for payment
of Rent, &c.,
upon Over-
seers of the
Parish.

And be it Enacted, That the said Field Garden Wardens shall from time to time let the land so held, taken or hired by them in Field Gardens or small plots not exceeding *One acre* each, to such poor inhabitants of the said parish, and on such terms and conditions and subject to such regulations, and at such yearly or other rents as they may think fit: Provided always, That no person occupying any

21.
Field Garden
Wardens to
let Field
Gardens to
poor inhabi-
tants.

Field Garden
Wardens to
be deemed
the Occupiers
for the pur-
poses of all
Parochial and
other Rates.

such Field Garden shall be liable to be rated or assessed to any parochial or other rate or tax in respect of such occupation ; but the said Field Garden Wardens shall, for the purposes of every such rate or tax, be deemed the actual occupiers of every such Field Garden, and shall be assessed and pay all rates and taxes in respect thereof, and shall also pay all tithes, compositions for tithes or rent-charge in lieu of tithes which shall, from time to time accrue or become payable in respect of the said Field Gardens: Provided also, That the amount of rent to be reserved on the letting of any such Field Garden shall be sufficient to meet and defray the proportionate amount of rent paid by the said Field Garden Wardens, and also the estimated amount of all parochial or Parliamentary rates and taxes, and all tithes or tithe rent-charge to be paid by the said Field Garden Wardens in respect of such Field Garden, and also all expenses bonâ fide incurred by the said Field Garden Wardens in collecting the rents, or otherwise in executing the trusts of this Act.

22.
If Rent is in
arrear, or
Land not duly
cultivated,
the Tenant
shall be
evicted.

And be it Enacted, That if the rent reserved upon any such Field Garden shall at any time be *Four* Weeks in arrear, or if at any time during the tenancy (being not less than *Three* calendar Months after the commencement thereof) it shall appear to the said Field Garden Wardens that any such Field Garden has not been duly cultivated, according to the true intent and meaning of the agreement under which the same is held, or if the occupier of any such Field Garden shall not have duly observed all the conditions and regulations contained in the said agreement, then and in every such case the said Field Garden Wardens shall serve a notice to quit upon the occupier of such Field Garden ; whereupon the said occupier shall deliver up possession of the same to the said Field Garden Wardens within Three Weeks after the said notice has been duly served upon him.

23.
Power to re-
cover pos-
session of
Land illegally
held over by
summary
process.

And be it Enacted, That if the occupier of any Field Garden shall refuse to quit and to deliver up possession when thereto required, according to the terms of this Act, or if any other person shall unlawfully enter upon or take or hold possession of any land belonging to the Field Garden Wardens of any parish, it shall be lawful for the said Field Garden Wardens, or any or either of them, to exhibit a complaint against the person so in possession of such Field Garden or land before Two of Her Majesty's Justices of the Peace, who are hereby authorized and required to issue a summons under their hands and seals to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein ; and such Justices are hereby required and empowered, upon the appearance before them of such person, or upon proof upon oath that such summons has been duly served, to proceed to

to hear and determine the matter of such complaint; and if they shall find and adjudge the same to be true, then, by warrant under their hands and seals to cause possession of the Field Garden or land in question to be delivered to the said Field Garden Wardens, or to
 5 some of them, within a period to be therein named, not less than *Twenty-one* nor more than *Thirty* clear Days from the date of such warrant.

And be it Enacted, That all arrears of rent for any such Field Garden shall be recoverable by the Field Garden Wardens, or any
 10 of them, by application to Two of Her Majesty's Justices of the Peace, who shall thereupon summon the party complained against, and after hearing what he has to allege, should they find any rent to be due, they are required to issue a warrant under their hands and seals to levy the same upon the goods and chattels of the person from
 15 whom the said arrears of rent shall be due and owing.

24.
 Arrears of
 Rent how to
 be recovered.

And be it Enacted, That the said Field Garden Wardens shall, out of the money arising from the letting of the said Field Gardens, first reimburse themselves all payments made in respect of rent, parochial and other rates and taxes, tithes or rent-charge in lieu of
 20 tithes, and also all expenses bonâ fide incurred by them in collecting the rents, and otherwise in executing the trusts of this Act, and shall then pay over the residue to the Overseers of the Parish, to be employed by them in aid of the Poor Rates, and shall, at a vestry held in the month of November in every year, present an
 25 account of their receipts and disbursements during the year ending at the Michaelmas then last past, to be audited by the Overseers and Rate-payers in vestry assembled.

25.
 Rent of Field
 Gardens how
 to be applied.

And be it Enacted, That if, on the auditing of the said accounts, it shall appear that the rent reserved upon any Field Garden has
 30 been suffered to run more than *One Month* in arrear, and the said Field Garden Wardens have not proceeded to evict the occupier thereof, and to obtain possession thereof, then and in such case the said Field Garden Wardens shall become and be personally liable to the Overseers of the said Parish for the amount of the rent so
 35 suffered to run in arrear, to be recovered by distress upon the goods and chattels of the said Field Garden Wardens or any of them, or by any the like remedies as are by law provided for recovering parochial rates in arrear: Provided always, That the said Overseers shall not proceed to distrain the goods and chattels of the said
 40 Field Garden Wardens for any rent so in arrear, or to take any other means of recovering the same, without first obtaining an order under the hands and seals of Two Justices in Petty Sessions assembled, which order the said Justices are hereby empowered to grant,

Accounts of
 Field Garden
 Wardens to
 be audited.

26.
 When Rent
 One Month in
 arrear and
 Tenant not
 evicted, Field
 Garden War-
 dens to be
 personally
 liable.

upon reasonable proof shown to them that such rent has been suffered to run more than *One Month* in arrear, and that the said Field Garden Wardens have not proceeded to evict the occupier of such Field Garden, and to obtain possession thereof as required by this Act.

5

27.

Leases and
Agreements
to be exempt
from Stamp.

And be it Enacted, That no lease or agreement to be made to, with or by the Field Garden Wardens of any parish, shall be chargeable with any stamp-duty whatsoever.

28.

Meaning of
words as used
in this Act.

And be it Enacted, That in the construction of this Act, when any word is used importing the singular number or masculine gender, such word shall be held to include several persons or things as well as one person or thing, and females as well as males; and the word "parish" shall mean and include every parish and every extra-parochial place, and every township, hamlet or village within which Overseers of the Poor are separately appointed under an Act passed in the thirteenth and fourteenth years of his late Majesty King CHARLES the Second, intituled, "An Act for the better Relief of the Poor of this Kingdom."

10

15

29.

Act only to
extend to
England and
Wales.

And be it Enacted, That this Act shall extend only to England and Wales.

20

30.

Act may be
amended or
repealed
during pre-
sent Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

FORM of LEASE hereinbefore referred to.

THIS INDENTURE, made this day of in the year of our Lord between A. B. of the one part, and the Field Garden Wardens of the parish of C. in the county of D. of the other part, witnesseth, that in consideration of the yearly rent hereinafter reserved, the said A. B. doth hereby grant, demise and lease unto the Field Garden Wardens of the said parish of and their successors, all [here describe the lands], together with all rights, easements and appurtenances to the said premises belonging, to have and to hold the same unto the said Field Garden Wardens and their successors, for the term of Twenty-one years from the day of the date hereof, yielding and paying yearly unto the said A. B., his heirs and assigns, the clear yearly rent of £. by two equal half-yearly payments, on the day of and the day of in every year; and the said Field Garden Wardens do hereby, for themselves and their successors, covenant, that they will from time to time, during the said term, pay unto the said A. B., his heirs and assigns, the said rent of £. and also that they will pay all taxes, rates, dues and duties whatsoever, Parliamentary or parochial, except the land-tax [and all rent-charge in lieu of tithes],* which shall during the said term be payable in respect of the said lands and premises. In witness, &c.

* The words within brackets to be omitted if tithe rent-charge to be paid by lessor.

Field Gardens.

A

B I L L

To promote the letting of Field Gardens to
the Labouring Poor.

(Prepared and brought in by
Mr. Couper and Mr. William Miles.)

*Ordered, by The House of Commons, to be Printed,
25 June 1844.*

419.

Under 2 oz.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To promote the letting of Field Gardens to the Labouring Poor.

[N.B.—*The Clauses marked (A.) & (B.) were added by the Committee.*]

WHEREAS the practice of letting small allotments of Land or Field Gardens to poor labourers and artisans has been found greatly to better their condition, and it is expedient, under certain regulations, to increase the means of obtaining land for such purpose, and to establish in Parishes trustees to manage and superintend such Field Gardens : Preamble.

And whereas by an Act passed in the twenty-second year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act for the better Relief and Employment of the Poor,” certain power is given to the Guardians to be appointed under the provisions of the said Act, for inclosing certain portions of waste land for the benefit of the poor inhabitants of the Parish : 22 Geo. 3, 83, s. 27.

And whereas by an Act passed in the fifty-ninth year of the reign of his said late Majesty King GEORGE the Third, intituled, “An Act to amend the Laws for the Relief of the Poor,” certain power is given to the Churchwardens and Overseers of the poor to provide land for the purpose of letting the same to the poor inhabitants of the parish : 59 Geo. 3, c. 12, s. 12.

And whereas an Act was passed in the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act to amend an Act of the Fifty-ninth Year of his Majesty King GEORGE the Third, for the Relief and Employment of the Poor :” 1 & 2 Will. 4, c. 42.

1 & 2 Will. 4,
c. 59.

And whereas another Act was passed in the said first and second years of his said late Majesty King WILLIAM the Fourth, intituled, "An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown, for the Benefit of Poor Persons residing in the Parish in which such Crown Land is situate :"

5

5 & 6 Will. 4,
c. 69, s. 4.

And whereas an Act was passed in the fifth and sixth years of his said late Majesty King WILLIAM the Fourth, intituled, "An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and Incorporations, or Unions of Parishes, in England and Wales :"

10

And whereas it is expedient to alter the said Acts, so far as the same empower Churchwardens or Overseers or Guardians of the Poor to take or hire land for the purpose of letting the same to poor inhabitants of the parish ;

1.
Powers of
recited Acts
enabling
Overseers and
Guardians to
take or pur-
chase land
for Garden
Allotments,
to cease on
election of
Field Garden
Wardens.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the election of Field Garden Wardens for any parish as herein- after provided, all the powers and authorities of the said recited Acts enabling Churchwardens and Overseers and Guardians of the Poor to take into their hands any land or ground belonging to such parish, or to the Churchwardens and Overseers of the Poor of such parish, or to the poor thereof, or to purchase or to hire and take on lease, or to inclose from any waste, forest or common belonging to the Crown, or otherwise, any land or ground for the purpose of letting the same in small portions or allotments to poor inhabitants of the said parish, shall wholly cease and determine.

20

25

2.
2 Will. 4,
c. 42, repealed.

AND whereas an Act was passed in the second year of his late Majesty King WILLIAM the Fourth, intituled, "An Act to authorize (in Parishes inclosed under an Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers :"

AND whereas it is expedient to repeal the said last-recited Act ; BE it therefore Enacted, That the said last-recited Act shall be and the same is hereby repealed.

30

35

3.
CLAUSE (A.)
Three in-
habitant
Householders
may require a
Meeting to
be held of the
Owners and
Occupiers of
Land, and of
the Inhabit-
ant House-
holders, to
decide whic-

And be it Enacted, That in any parish where it may appear desirable that the provisions of this Act should be adopted, it shall be lawful for any Three inhabitant Householders of such parish, on some day in the month of August, to deliver a requisition, signed by them, to the officiating Minister of the said parish, requiring him to call a meeting of the owners and occupiers of land, and of the inhabitant

inhabitant householders of the Parish, to decide upon the adoption or non-adoption of this Act.

ther this Act shall be adopted in that Parish.

And be it Enacted, That the said officiating Minister shall, on the first Sunday in the month of September next after the receipt of such requisition, affix, or cause to be affixed, a notice to the principal doors of the Churches and Chapels of the said parish, appointing such meeting to be held at some convenient place in or near the said parish, on some day not sooner than Ten Days, and not later than Twenty-one Days after the publication of such notice, and such notice shall be to the following effect :

4.
CLAUSE (B.)
Notice of the Meeting to be affixed to the Doors of Churches and Chapels.

"I, the Reverend A. B., Clerk, officiating Minister of the parish of C., having received a requisition, pursuant to the provisions of an Act passed, et cætera, and intituled, et cætera, do hereby give notice, that a meeting of the owners and occupiers of land, and of the inhabitant householders of the said parish, will be held on the day of next at at the hour of of the clock in the noon, for the purpose of deciding upon the adoption or non-adoption of the above-mentioned Act, and, in the event of its adoption, for the purpose of choosing Four fit and proper persons to be the Wardens of the Field Gardens of the said parish. Dated this day of September, in the year of our Lord (signed) "A. B. "Officiating Minister."

Form of Notice of Meeting.

And be it Enacted, That the officiating Minister shall, if he be present, act as Chairman of such meeting, but in case of his absence, the persons present shall elect a Chairman; and if the meeting shall decide by a majority of voices to adopt this Act, they shall forthwith proceed at that time, or subsequently by adjournment, to elect Four fit and proper persons to be Wardens of the Field Gardens of the said parish, in manner following; (that is to say) the majority of those present, who shall be either landowners of the said parish, or, being occupiers, shall be severally rated to the relief of the poor on assessments exceeding Ten Pounds yearly value, shall elect Two such Wardens; and the majority of those present who shall be householders of the said parish, and shall be rated to the relief of the poor on assessments not exceeding Ten Pounds yearly value, shall elect Two other such Wardens; and the Chairman shall at such meeting declare the names of the persons

5.
Officiating Minister to be Chairman; if the Meeting decide upon adopting this Act, they shall then elect Four persons to be Wardens of the Field Gardens.

who have been so elected as aforesaid, and shall immediately after such election notify the same to the persons so elected, and also to the officiating Minister and Churchwardens of the said parish, who shall cause the names of the persons so elected to be affixed on the principal outer doors of the churches and chapels in the said parish on the two Sundays next after such election. 5

6.
Officiating
Minister and
the four
Wardens to
be the Field
Garden
Wardens of
the Parish.

Upon death
or resignation
of either of
the elected
Wardens,
continuing
Wardens to
appoint an-
other, and to
act until such
appointment
is made.

And be it Enacted, That the officiating Minister for the time being, and the Wardens of the Field Gardens so elected as aforesaid, shall be the Trustees of the Field Gardens of the said parish, for the purpose of carrying this Act into effect, and shall be styled the "Field Garden Wardens" of the said parish; and the said Field Garden Wardens, or the major part of them, shall have full power and authority to do all the acts and things authorized or required by this Act; and upon the death or retirement from office of either of the said Wardens so elected as aforesaid, it shall be lawful for the continuing Field Garden Wardens to elect some other fit and proper person from among the landowners and rate-payers of the said parish, to be Warden in the room of the person so dying or ceasing to act, and until such election it shall be lawful for the continuing Wardens, or the major part of them, to act as if no such vacancy had occurred. 10 15 20

7.
In case of
Wardens re-
fusing to act,
Officiating
Minister to
call fresh
meeting.

And be it Enacted, That in case any Field Garden Warden, elected as aforesaid, shall refuse to act, then the officiating Minister shall by like notice and in like manner call another meeting of the owners and occupiers of land, and of the inhabitant householders of the parish, for the purpose of electing some other fit and proper person to be a Field Garden Warden in the place of the person so refusing to act, and such meeting shall be held on some day not less than Ten nor more than Twenty-one Days after the date of the notice of such meeting. 25

8.
Field Garden
Wardens to
hold their
office for
Three Years.

And be it Enacted, That the Field Garden Wardens so elected as aforesaid shall hold their office for Three Years from the date of their election, and at the end of Three Years, and of every succeeding period of Three Years, there shall be a new election of Field Garden Wardens in manner aforesaid: Provided always, That every person who shall have held the office of Field Garden Warden shall, at any future election, be re-eligible to such office: Provided also, That in case no notice of such new election shall be given, and until such new election shall take place, the said Field Garden Wardens whose term of office shall have expired shall continue to act as the Field Garden Wardens of the said parish. 30 35

And

And be it Enacted, That it shall be lawful for the Field Garden Wardens of any parish (if they shall think fit, but not otherwise) for the purposes of this Act, to take into their hands any land or ground belonging to such parish or to the Churchwardens and Overseers or Guardians of the poor of such parish, or to the poor thereof (and which shall not be used or cultivated as a parish farm for the employment of the poor of the said parish, under the said recited Acts or any of them), and to hire and take on lease any suitable portion or portions of land within or near to the said parish of any tenure or kind whatsoever: Provided always, That the total quantity of land so taken and hired shall not exceed the proportion of One half-acre to every inhabitant householder of the said parish, whose holding shall be rated to the relief of the poor on an assessment not exceeding Ten Pounds yearly value.

9.
Field Garden Wardens may take Land belonging to the Parish, or may hire Land for the purposes of the Act.

Land so taken and hired not to exceed half an acre for every Ratepayer assessed at not more than 10*l*.

And be it Enacted, That the powers and authorities given by the said Act of the fifty-ninth year of King GEORGE the Third to Justices of the Peace, to cause possession of parish land to be delivered to the Churchwardens and Overseers of the poor, and any other auxiliary powers or provisions in the said Acts or other Acts contained in relation thereto, shall extend to and shall be exercised by such Justices, in respect of any lands which the Field Garden Wardens of any parish are by this Act authorized to take and hold, in the same manner as if the name of the Field Garden Wardens had been inserted in the said Acts, instead of the names of the Churchwardens and Overseers of the Poor.

10.
Powers of 59 Geo. 3, c. 12, extended to Field Garden Wardens.

And be it Enacted, That upon the inclosure of any common or waste lands hereinafter to be made, under any general or local Inclosure Act, it shall be lawful for the said Field Garden Wardens to require and take a perpetual lease of so much of the said common or waste lands, not exceeding One-twentieth part of the whole (but nevertheless subject to the provisions hereinbefore contained for limiting the quantity of land to be held by the said Field Garden Wardens), at such yearly or other rent as shall be fixed by the Commissioner or valuer acting in the said inclosure; and the said Commissioner or valuer is hereby authorized and required, on receiving a request in writing, under the hands of the said Field Garden Wardens, to set out such portion of the said common or waste land as aforesaid, in a situation as contiguous to the dwellings of the labouring poor, and as convenient as may be, regard being had to the objects to which it is to be applied, and to allot the same to the said Field Garden Wardens and their successors for the purposes of this Act; and by his award to fix the amount of rent to be paid by the said Field Garden Wardens for the occupation of the said land; and also to set forth the name or

11.
Upon the inclosure of any Common, Field Garden Wardens may demand to have a perpetual lease of part of common.

Upon receiving requisition from the Field Garden Wardens' Inclosure, Commissioners to set out Field Garden Allotment. Inclosure Commissioner to fix the amount of Rent to be paid by the Field Garden Wardens.

To whom
rent payable.

To specify
the persons
entitled to
enjoyment of
land in case
of Field Gar-
den Wardens
giving up pos-
session.

names of the person or persons to whom the same rent shall be paid (having regard to the interests of those persons who but for this Act would be entitled to have the said land allotted to them), or the object to which the same rent shall be applied; and also to set forth the name or names of the person or persons who shall be 5
entitled to the enjoyment of the said land, upon the Field Garden Wardens giving up possession of the same, as hereinafter mentioned; and the said Field Garden Wardens shall pay such rent from time to time as the same shall become due to such person or persons, and in such manner as the said award shall direct. 10

12.

Rent for last-
mentioned
Land may be
revised at the
end of every
successive
period of
Seven Years,
on application
to Quarter
Sessions.

Amount of
revised Rent to
be regulated
by prices of
Wheat, Bar-
ley and Oats,
as ascertained
by the adver-
tisement in
the Gazette,
under 6 & 7
Will. 4, c.

And be it Enacted, That at the expiration of Seven Years after the time when such rent shall have been fixed by such Commis- sioner or valuer by his said award, and in like manner at the expi- ration of every other successive period of Seven Years, but not at any other intervening time, it shall be lawful for the said Field 15
Garden Wardens, or for the persons entitled to receive the said rent, or the major part of such persons, to make application in writing for a revision of the amount of the said rent at the first Quarter Sessions for the county in which the parish is situate; and the Justices in Quarter Sessions assembled, or the major part of them, 20
shall order and direct the amount of the said rent to be increased or diminished according and in proportion to the increase or decrease which shall have taken place in the prices of wheat, barley and oats as ascertained by the advertisement inserted in the London Gazette in the month of January next preceding the holding of 25
such Quarter Sessions, under the provisions of an Act passed in the sixth and seventh years of his late Majesty King WILLIAM the Fourth, and intituled, "An Act for the Commutation of Tithes in England and Wales," above or below the prices of wheat, barley and oats stated in the like advertisement which shall have been 30
published next before the first fixing of the said rent by the said Commissioner or valuer, or, if such rent shall have been previously revised, next before the last revision of such rent; and the amount of rent so altered and revised by the said Justices shall continue until a new revision of the said rent shall have been made in man- 35
ner aforesaid: Provided always, That the costs and expenses at- tendant on such application shall be borne and paid by the party applying for such revision of the said rent.

Party apply-
ing for re-
vision to bear
all the Costs
of this appli-
cation.

13.

Field Garden
Wardens may
give up pos-
session of last-
mentioned
lands on

And be it Enacted, That it shall be lawful for the said Field Garden Wardens to vacate the lease under any such inclosure, and to 40
quit and deliver up possession of the land thereby allotted to them, at any time (but nevertheless at such time of the year only as the annual

annual or other rent fixed by the said award is made payable) after giving Six Months' notice of such their intention to the person or persons who shall or may be entitled under the said award to the enjoyment of the said land, after it shall have ceased to be held by the said Field Garden Wardens.

giving Six Months' notice.

AND whereas in parishes inclosed under Acts of Parliament there are in many cases allotments made for the benefit of the poor, which are now comparatively useless and unproductive; BE it Enacted, That it shall and may be lawful for the Trustees of the said allotments to let the same to the Field Garden Wardens of the parish in which the same are situated, for such term of years and such fair and reasonable rents as may be agreed upon between the said Trustees and the said Field Garden Wardens.

14.

Trustees of Poor Allotments under local Acts may let the same to Field Garden Wardens.

AND whereas such last-mentioned allotments have in some cases been let by the Trustees thereof to cottagers, as field gardens or cottage allotments, under and by virtue of the said Act hereby repealed; BE it Enacted, That in all such cases the said Trustees shall from the passing of this Act, have all the powers and remedies hereby given to the Field Garden Wardens of any parish, and shall act and demean themselves, in relation to the said field gardens or cottage allotments and the occupiers thereof, as if they had been appointed Field Garden Wardens under the provisions of this Act: Provided always, That on the appointment of Field Garden Wardens for the parish in which the same allotments are situate, it shall be lawful for the said Trustees immediately to let or demise the same to the said Field Garden Wardens, and the said Field Garden Wardens shall thereupon become entitled to receive the rents thereof, and all arrears which may be then due, and shall have the like means of enforcing payment of the rents thereof, and of obtaining possession thereof, and all the like powers and remedies as if the same had been let by them under the provisions of this Act.

15.

Trustees of Poor Allotments to have the same powers and remedies as Field Garden Wardens.

And be it Enacted, That the rent to be paid by the said Field Garden Wardens, for the use of the said allotments hereinbefore last-mentioned, shall be applied by the said Trustees in the purchase of fuel, to be distributed in the winter season among the poor parishioners legally settled and resident in the said parish.

16.

Rent of such Poor Allotments to be applied in purchase of Fuel.

And be it Enacted, That when any lands are held under any lease for a term of years, it shall be lawful for the lessor, with the consent of the lessee, to let any portion of the said demised lands to the Field Garden Wardens of any parish, for and during the residue of such term, for such rent as may be agreed upon

17.

When Lands under lease, Lessor may, with consent of Lessee, let part of demised Landsto Field Garden Wardens.

between the said lessor, lessee and Field Garden Wardens, without in any way affecting, disturbing or making void the said lease; or the covenants, conditions and provisoes therein contained, or any of them, so far as the same relates or relate to the residue of the lands therein contained; and the amount of the rent agreed to be paid by such Field Garden Wardens shall be indorsed in a memorandum on the said lease; and the said lessee, his executors, administrators and assigns, shall be discharged and exonerated from so much and such part of the rent reserved in the said lease as is mentioned and set forth in the said memorandum.

18.

Corporate
Bodies, Te-
nants for Life,
&c., may
demise Lands
to Field Gar-
den Wardens.

And be it Enacted, That it shall be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, husbands, guardians, feoffees in trust, committees and trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of cestuique trusts, whether infants, issue unborn, lunatics, idiots, femmes-covert or other persons, and for all femmes-covert who are or shall be seised in their own right, and for all mortgagees in fee in possession, and for all tenants for life or lives, and for all other persons whomsoever who shall be seised of any lands, to let and demise the same or any part thereof to the Field Garden Wardens of the parish in which the same are situate, and their successors, for any term of years not exceeding Twenty-one from the commencement thereof: Provided always, That there shall be reserved in the said demise a fair and reasonable rent, and after the same rate as is usually obtained for the occupation of lands of similar quality in the said parish.

19.

Field Garden
Wardens
may take and
sue as Cor-
porate Bodies.

And be it Enacted, That all lands which shall be hired or taken on lease by the Field Garden Wardens of any parish shall be demised to the said Field Garden Wardens and their successors, and such Field Garden Wardens shall and may and they are hereby empowered to take and hold, in the nature of a body corporate, for the purposes of this Act, all such lands; and in all leases, agreements or other instruments to be executed, entered into or made under the provisions of this Act, it shall be sufficient to describe the Field Garden Wardens as the Field Garden Wardens of the parish for which they may be appointed, naming such parish; and such leases, agreements and other instruments shall be valid and effectual in law, if signed by the major part of the Field Garden Wardens for the time being, and shall bind the said Field Garden Wardens and their successors; and in all actions, suits, indictments and other proceedings for or in relation to any lands taken or hired for the purposes of this Act, it shall be sufficient to name the Field Garden Wardens

Wardens for the time being, describing them as the Field Garden Wardens of the parish for which they shall act, and naming such parish; and no action or suit, indictment or other proceeding shall abate or be discontinued, quashed or impeded by the death of the

5 Field Garden Wardens named in the pleadings in any such suit or action, or in any such indictment or other proceeding, or the deaths or death of any of them, or by their removal or the removal of any of them from or by the expiration of their respective offices; and all leases of lands to the Field Garden Wardens of any parish for

10 the purposes of this Act may be in the form set forth in the Schedule appended to this Act: Provided always, That whenever any lands which shall have been taken or hired by any Field Garden Wardens shall cease to be held by them for the purposes of this Act, or whenever the Field Garden Wardens of any parish in whom any lands

15 are vested shall cease to hold office, and no other persons shall be elected in their stead, then the same lands shall revert to and be re-vested in the person or persons who, but for the purposes of this Act, would be entitled to the possession thereof, and be subject to the like uses, trusts and purposes as the same were subject to, previous to their being taken or hired by the said Field Garden

20 Wardens.

Actions, &c.,
not to abate
by death or
resignation of
Field Garden
Wardens.

Form of Lease
to Field Gar-
den Wardens.

And be it Enacted, That, in order to enable the Field Garden Wardens of any parish to obtain possession of lands and to carry out the purposes of this Act, it shall be lawful for the said Field

25 Garden Wardens from time to time, whenever any rent reserved on any demise of lands to them or by them agreed to be paid under any agreement, or whenever any parochial or other rates or taxes, or any tithes or rent-charge in lieu of tithes, in respect of such lands, shall become due, to give an order under their hands for payment

30 of such rent, rates, taxes, tithes or rent-charge directed to the Overseers of the parish; and upon receipt of the said order, the said Overseers are hereby directed and required to pay to the person presenting the same the amount mentioned in such order out of any money belonging to the said parish in their hands, and

35 upon the auditing of the accounts of the said parish the auditor is hereby required to allow the same.

20.
Field Garden
Wardens may
give orders
for payment
of Rent, &c.
upon Over-
seers of the
Parish.

And be it Enacted, That the said Field Garden Wardens shall from time to time let the land so held, taken or hired by them in Field Gardens or small plots not exceeding Half an Acre each, to such

40 poor inhabitants of the said parish, and on such terms and conditions and subject to such regulations, and at such yearly or other rents as they may think fit: Provided always, That no person occupying any such Field Garden shall be liable to be rated or assessed to any paro-

21.
Field Garden
Wardens to
let Field
Gardens to
poor inhabi-
tants.

Field Garden
Wardens to
be deemed
the Occupiers
for the pur-
poses of all
Parochial and
other Rates.

chial or other rate or tax in respect of such occupation ; but the said Field Garden Wardens shall, for the purposes of every such rate or tax, be deemed the actual occupiers of every such Field Garden, and shall be assessed and pay all rates and taxes in respect thereof, and shall also pay all tithes, compositions for tithes or rent-charge in lieu of tithes which shall, from time to time accrue or become payable in respect of the said Field Gardens: Provided also, That the amount of rent to be reserved on the letting of any such Field Garden shall be sufficient to meet and defray the proportionate amount of rent paid by the said Field Garden Wardens, and also the estimated amount of all parochial or Parliamentary rates and taxes, and all tithes or tithe rent-charge to be paid by the said Field Garden Wardens in respect of such Field Garden, and also all expenses bonâ fide incurred by the said Field Garden Wardens in collecting the rents, or otherwise in executing the trusts of this Act.

22.
If Rent is in
arrear, or
Land not duly
cultivated,
the Tenant
shall be
evicted.

And be it Enacted, That if the rent reserved upon any such Field Garden shall at any time be Four Weeks in arrear, or if at any time during the tenancy (being not less than Three calendar Months after the commencement thereof) it shall appear to the said Field Garden Wardens that any such Field Garden has not been duly cultivated, according to the true intent and meaning of the agreement under which the same is held, or if the occupier of any such Field Garden shall not have duly observed all the conditions and regulations contained in the said agreement, then and in every such case the said Field Garden Wardens shall serve a notice to quit upon the occupier of such Field Garden ; whereupon the said occupier shall deliver up possession of the same to the said Field Garden Wardens within Three Weeks after the said notice has been duly served upon him.

23.
Power to re-
cover pos-
session of
Land illegally
held over by
summary
process.

And be it Enacted, That if the occupier of any Field Garden shall refuse to quit and to deliver up possession when thereto required, according to the terms of this Act, or if any other person shall unlawfully enter upon or take or hold possession of any land belonging to the Field Garden Wardens of any parish, it shall be lawful for the said Field Garden Wardens, or any or either of them, to exhibit a complaint against the person so in possession of such Field Garden or land before Two of Her Majesty's Justices of the Peace, who are hereby authorized and required to issue a summons under their hands and seals to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein ; and such Justices are hereby required and empowered, upon the appearance before them of such person, or upon proof upon oath that such summons has been duly served, to proceed

to

to hear and determine the matter of such complaint; and if they shall find and adjudge the same to be true, then, by warrant under their hands and seals to cause possession of the Field Garden or land in question to be delivered to the said Field Garden Wardens, or to
 5 some of them, within a period to be therein named, not less than Twenty-one nor more than Thirty clear Days from the date of such warrant.

And be it Enacted, That all arrears of rent for any such Field Garden shall be recoverable by the Field Garden Wardens, or any
 10 of them, by application to Two of Her Majesty's Justices of the Peace, who shall thereupon summon the party complained against, and after hearing what he has to allege, should they find any rent to be due, they are required to issue a warrant under their hands and seals to levy the same upon the goods and chattels of the person from
 15 whom the said arrears of rent shall be due and owing.

24.
Arrears of
Rent how to
be recovered.

And be it Enacted, That the said Field Garden Wardens shall, out of the money arising from the letting of the said Field Gardens, first reimburse themselves all payments made in respect of rent, parochial and other rates and taxes, tithes or rent-charge in lieu of
 20 tithes, and also all expenses bonâ fide incurred by them in collecting the rents, and otherwise in executing the trusts of this Act, and shall then pay over the residue to the Overseers of the Parish, to be employed by them in aid of the Poor Rates, and shall, at a vestry held in the month of November in every year, present an
 25 account of their receipts and disbursements during the year ending at the Michaelmas then last past, to be audited by the Overseers and Rate-payers in vestry assembled.

25.
Rent of Field
Gardens how
to be applied.

And be it Enacted, That if, on the auditing of the said accounts, it shall appear that the rent reserved upon any Field Garden has
 30 been suffered to run more than One Month in arrear, and the said Field Garden Wardens have not proceeded to evict the occupier thereof, and to obtain possession thereof, then and in such case the said Field Garden Wardens shall become and be personally liable to the Overseers of the said Parish for the amount of the rent so
 35 suffered to run in arrear, to be recovered by distress upon the goods and chattels of the said Field Garden Wardens or any of them, or by any the like remedies as are by law provided for recovering parochial rates in arrear: Provided always, That the said Overseers shall not proceed to distrain the goods and chattels of the said
 40 Field Garden Wardens for any rent so in arrear, or to take any other means of recovering the same, without first obtaining an order under the hands and seals of Two Justices in Petty Sessions assembled, which order the said Justices are hereby empowered to grant,
 506. C upon

26.
When Rent
One Month in
arrear and
Tenant not
evicted, Field
Garden War-
dens to be
personally
liable.

upon reasonable proof shown to them that such rent has been suffered to run more than One Month in arrear, and that the said Field Garden Wardens have not proceeded to evict the occupier of such Field Garden, and to obtain possession thereof as required by this Act.

5

27.
Leases and
Agreements
to be exempt
from Stamp.

And be it Enacted, That no lease or agreement to be made to, with or by the Field Garden Wardens of any parish, shall be chargeable with any stamp-duty whatsoever.

28.
Meaning of
words as used
in this Act.

And be it Enacted, That in the construction of this Act, when any word is used importing the singular number or masculine gender, such word shall be held to include several persons or things as well as one person or thing, and females as well as males; and the word "parish" shall mean and include every parish and every extra-parochial place, and every township, hamlet or village within which Overseers of the Poor are separately appointed under an Act passed in the thirteenth and fourteenth years of his late Majesty King CHARLES the Second, intituled, "An Act for the better Relief of the Poor of this Kingdom."

10

15

29.
Act only to
extend to
England and
Wales.

And be it Enacted, That this Act shall extend only to England and Wales.

20

30.
Act may be
amended or
repealed
during pre-
sent Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

FORM of LEASE hereinbefore referred to.

THIS INDENTURE, made this day of in the year of our Lord between A. B. of the one part, and the Field Garden Wardens of the parish of C. in the county of D. of the other part, witnesseth, that in consideration of the yearly rent hereinafter reserved, the said A. B. doth hereby grant, demise and lease unto the Field Garden Wardens of the said parish of and their successors, all [*here describe the lands*], together with all rights, easements and appurtenances to the said premises belonging, to have and to hold the same unto the said Field Garden Wardens and their successors, for the term of Twenty-one years from the day of the date hereof, yielding and paying yearly unto the said A. B., his heirs and assigns, the clear yearly rent of £. by two equal half-yearly payments, on the day of and the day of in every year; and the said Field Garden Wardens do hereby, for themselves and their successors, covenant, that they will from time to time, during the said term, pay unto the said A. B., his heirs and assigns, the said rent of £. and also that they will pay all taxes, rates, dues and duties whatsoever, Parliamentary or parochial, except the land-tax [*and all rent-charge in lieu of tithes*],* which shall during the said term be payable in respect of the said lands and premises. In witness, &c.

* The words within brackets to be omitted if tithe rent-charge to be paid by lessor.

Field Gardens.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To promote the letting of Field Gardens to
the Labouring Poor.

(Prepared and brought in by
Mr. Cowper and Mr. William Miles.)

*Ordered, by The House of Commons, to be Printed,
17 July 1844.*

506.

Under 2 oz.



A

B I L L

To promote the letting of Field Gardens to the Labouring Poor.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the twenty-second year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act for the better Relief and Employment of the Poor,” certain power is given to the Guardians to be appointed under the provisions of the said Act, for inclosing certain portions of waste land for the benefit of the poor inhabitants of the Parish :

Preamble.

22 Geo. 3, c.
83, s. 27.

And whereas by an Act passed in the fifty-ninth year of the reign of his said late Majesty King GEORGE the Third, intituled, “An Act to amend the Laws for the Relief of the Poor,” certain power is given to the Churchwardens and Overseers of the poor to take land for the purpose of letting the same to the poor inhabitants of the parish, to be cultivated by them on their own account and for their own benefit, and to levy a rate for defraying the expenses thereof :

59 Geo. 3, c.
12, s. 12.

And whereas an Act was passed in the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, “An Act to amend an Act of the Fifty-ninth Year of his Majesty King GEORGE the Third, for the Relief and Employment of the Poor :”

1 & 2 Will. 4,
c. 42.

And whereas another Act was passed in the said first and second years of his said late Majesty King WILLIAM the Fourth, intituled, “An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown, for the Benefit of Poor Persons residing in the Parish in which such Crown Land is situate :”

1 & 2 Will. 4,
c. 59.

90.

A

And

5 & 6 Will. 4,
c. 69, s. 4.

And whereas an Act was passed in the fifth and sixth years of his said late Majesty King WILLIAM the Fourth, intituled, "An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and Incorporations, or Unions of Parishes, in England and Wales :"

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And whereas it is expedient to alter the said Acts, so far as the same empower Churchwardens and Overseers or Guardians of the Poor to take or hire or inclose land for the purpose of letting the same to poor inhabitants of the parish ; and also to make further provisions in certain parishes for extending to poor labourers and artisans the benefit of renting small allotments of land or field gardens ;

10

1.
Powers of
recited Acts
enabling
Overseers and
Guardians to
take or pur-
chase land
to be rented
by the Poor
to cease on
election of
Field
Wardens.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, *THAT from and after the election* of Field Wardens and during their continuance in office for any parish as hereinafter provided, all the powers and authorities of the said recited Acts enabling Churchwardens and Overseers and Guardians of the Poor to take into their hands any land or ground belonging to such parish, or to the Churchwardens and Overseers of the Poor of such parish, or to the poor thereof, or to purchase or to hire and take on lease, or to inclose from any waste, forest or common belonging to the Crown, or otherwise, any land or ground for the purpose of letting the same in small portions or allotments to poor inhabitants of the said parish, shall wholly cease and determine.

15

20

25

2.
2 Will. 4,
c. 42, repealed.

AND whereas an Act was passed in the second year of his late Majesty King WILLIAM the Fourth, intituled, "An Act to authorize (in Parishes inclosed under an Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers :"
AND whereas it is expedient to repeal the said last-recited Act ; **BE it therefore Enacted**, That the said last-recited Act shall be and the same is hereby repealed.

30

3.
Three in-
habitant
Householders
may require a
Meeting to
be held of the
Owners and
Occupiers of
Land, and of
the Inhabit-
ant House-
holders, to
decide whe-
ther this Act
shall be adopt-
ed in that
Parish.

And be it Enacted, That in any parish where it may appear desirable that the provisions of this Act should be adopted, it shall be lawful for any *Three* inhabitant Householders of such parish, on some day in the month of *August*, to deliver a requisition, signed by them, to the officiating Minister of the said parish, requiring him to call a meeting of the owners and occupiers of land, and of the inhabitant householders of the parish, to decide upon the adoption or non-adoption of this Act.

35

And

Notice of the Meeting to be affixed to the Doors of Churches and Chapels.

And be it Enacted, That the said officiating Minister shall, on the first *Sunday* in the month of *September* next after the receipt of such requisition, affix, or cause to be affixed, a notice to the principal doors of the Churches and Chapels of the said parish, appointing such meeting to be held at some convenient place in or near the said parish, on some day not sooner than *Ten Days*, and not later than *Twenty-one Days* after the publication of such notice, and such notice shall be to the following effect ;

Form of Notice of Meeting.

“ I, the Reverend A. B., Clerk, officiating Minister of the parish of C., having received a requisition, pursuant to the provisions of an Act passed, et cætera, and intituled, et cætera, do hereby give notice, that a meeting of the owners and occupiers of land, and of the inhabitant householders of the said parish, will be held on the day of at at the hour of of the clock in the noon, for the purpose of deciding upon the adoption or non-adoption of the above-mentioned Act, and, in the event of its adoption, for the purpose of choosing *Four* fit and proper persons to be the Wardens of the Field Gardens of the said parish. Dated this day of September, in the year of our Lord (signed) “ A. B. “ Officiating Minister.”

If the Meeting decide upon adopting this Act, they shall then elect *Four* persons to be Trustees for the purposes of this Act.

And be it Enacted, That the officiating Minister shall, if he be present, act as Chairman of such meeting, but in case of his absence, the persons present shall elect a Chairman; and if the meeting shall decide by a majority of voices to adopt this Act, they shall forthwith proceed at that time, or subsequently by adjournment, to elect *Four* fit and proper persons to be trustees for the purposes of this Act as hereinafter mentioned; and the Chairman shall at such meeting or adjourned meeting declare the names of the persons who have been so elected as aforesaid, and shall immediately after such election notify the same to the persons so elected, and also to the officiating Minister and Churchwardens of the said parish, who shall cause the names of the persons so elected to be affixed on the principal doors of the churches and chapels in the said parish on the *Two* Sundays next after such election.

Officiating Minister and the four elected Trustees to be the Field Wardens of the Parish.

And be it Enacted, That the officiating Minister for the time being, and the Trustees so elected as aforesaid, shall for the purposes of this Act be the Trustees of all such parish or other land as, under the provisions of this Act, shall be let in Field Gardens or small allotments,

Upon death or resignation of any of the elected Wardens, continuing Wardens to appoint another, and to act until such appointment is made.

allotments, or shall be taken, hired, inclosed or provided for that purpose, and shall be styled the "Field Wardens" of the said parish; and the said Field Wardens, or the major part of them, shall have full power and authority to do all the acts and things authorized or required by this Act; and upon the death or retirement from office of any of the said Wardens so elected as aforesaid, it shall be lawful for the continuing Field Wardens to elect some other fit and proper person from among the landowners or rate-payers of the said parish, to be Warden in the room of the person so dying or ceasing to act, and until such election it shall be lawful for the continuing Wardens, or the major part of them, to act as if no such vacancy had occurred.

7.
In case of Wardens refusing to act, Officiating Minister to call fresh meeting.

And be it Enacted, That in case any Field Warden, elected as aforesaid, shall refuse to act, then the officiating Minister shall by like notice and in like manner call another meeting of the owners and occupiers of land, and of the inhabitant householders of the parish, for the purpose of electing some other fit and proper person to be a Field Warden in the place of the person so refusing to act, and such meeting shall be held on some day not less than *Ten* nor more than *Twenty-one Days* after the date of the notice of such meeting.

8.
Field Wardens to hold their office for Three Years.

And be it Enacted, That the Field Wardens so elected as aforesaid shall hold their office for *Three Years* from the date of their election, and at the end of *Three Years*, and of every succeeding period of *Three Years*, there shall be a new election of Field Wardens in manner aforesaid: Provided always, That every person who shall have held the office of Field Warden shall, at any future election, be re-eligible to such office: Provided also, That in case no notice of such new election shall be given, and until such new election shall take place, the said Field Wardens whose term of office shall have expired shall continue to act as the Field Wardens of the said parish.

9.
Field Wardens may take Land belonging to the Parish, or may hire Land or may inclose waste land according to 1 & 2 Will. 4, c. 59 and 22 Geo. 3 c. 83.

And be it Enacted, That it shall be lawful for the Field Wardens of any parish for the purposes of this Act, to take into their hands any land or ground belonging to such parish or to the Churchwardens and Overseers or Guardians of the poor of such parish, or to the poor thereof (and which shall not be used or cultivated as a parish farm for the employment of the poor of the said parish, under the said recited Acts or any of them), and to hire and take on lease any suitable portion or portions of land within or near to the said parish of any tenure or kind whatsoever; and to inclose from any waste, common

common or forest lands lying in or near to such parish, belonging to the Crown, or otherwise with the consent in writing of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury being, to be signified by some warrant under his or their hand or hands, or with the like consent of the lord of the manor and the major part in value of the persons having right of common, thereupon signified under their hands and seals, as the case may be, any suitable portion of such waste, common or forest lands respectively : Provided always, That the total quantity of land so taken and hired shall not exceed the proportion of *One half-acre* to every inhabitant householder of the said parish, excepting such as are rated to the relief of the poor on an assessment amounting to or exceeding *Ten Pounds* yearly value.

Lands so taken, hired or inclosed not to exceed the proportion of half an acre for every Householder excepting such as are rated at 10*l*.

And be it Enacted, That the powers and authorities given by the said Act of the fifty-ninth year of King GEORGE the Third to Justices of the Peace, to cause possession of parish land to be delivered to the Churchwardens and Overseers of the poor, and any other auxiliary powers or provisions in the said Acts or other Acts contained in relation thereto, shall extend to and shall be exercised by such Justices, in respect of any lands which the Field Wardens of any parish are by this Act authorized to take and hold, in the same manner as if the name of the Field Wardens had been inserted in the said Acts, instead of the names of the Churchwardens and Overseers of the Poor.

10.
Powers of 59 Geo 3, c. 12, extended to Field Wardens.

And be it Enacted, That upon the inclosure of any common or waste lands hereinafter to be made, under any general or local Inclosure Act, it shall be lawful for the said Field Wardens to demand and take a perpetual lease of so much of the said common or waste lands, not exceeding *One-twentieth* part of the whole (but nevertheless subject to the provisions hereinbefore contained for limiting the quantity of land to be held by the said Field Wardens), at such yearly or other rent as shall be fixed by the Commissioner or valuer acting in the said inclosure; and the said Commissioner or valuer is hereby authorized and required, on receiving a request in writing, under the hands of the said Field Wardens, to set out such portion of the said common or waste land as aforesaid, in a situation as contiguous to the dwellings of the labouring poor, and as convenient as may be, regard being had to the objects to which it is to be applied, and to allot the same to the said Field Wardens and their successors for the purposes of this Act; and by his award to fix the amount of rent to be paid by the said Field Wardens for the occupation of the said land; and also to set forth the name or

11.
Upon the inclosure of any Common, Field Wardens may demand to have a perpetual lease of part of common.

Upon receiving requisition from the Field Wardens' Inclosure, Commissioners to set out Field Garden Allotment. Inclosure Commissioner to fix the amount of Rent to be paid by the Field Wardens.

To whom
rent payable.

To specify
the persons
entitled to
enjoyment of
land in case
of Field
Wardens
giving up pos-
session.

12.
Rent for last-
mentioned
Land may be
revised at the
end of every
successive
period of
Seven Years,
on application
to Quarter
Sessions.

Amount of
revised Rent to
be regulated
by prices of
Wheat, Bar-
ley and Oats,
as ascertained
by the adver-
tisement in
the Gazette,
under 6 & 7
Will. 4, c.

Party apply-
ing for re-
vision to bear
all the Costs
of this appli-
cation.

13.
Field War-
dens may
give up pos-
session of last-
mentioned
lands on

names of the person or persons to whom the same rent shall be paid (having regard to the interests of those persons who but for this Act would be entitled to have the said land allotted to them), or the object to which the same rent shall be applied; and also to set forth the name or names of the person or persons who shall be entitled to the enjoyment of the said land, upon the Field Wardens giving up possession of the same, as hereinafter mentioned; and the said Field Wardens shall pay such rent from time to time as the same shall become due to such person or persons, and in such manner as the said award shall direct.

And be it Enacted, That at the expiration of *Seven* Years after the time when such rent shall have been fixed by such Commissioner or valuer by his said award, and in like manner at the expiration of every other successive period of *Seven* Years, but not at any other intervening time, it shall be lawful for the said Field Wardens, or for the persons entitled to receive the said rent, or the major part of such persons, to make application in writing for a revision of the amount of the said rent at the first Quarter Sessions for the county in which the parish is situate; and the Justices in Quarter Sessions assembled, or the major part of them, shall order and direct the amount of the said rent to be increased or diminished according and in proportion to the increase or decrease which shall have taken place in the prices of wheat, barley and oats as ascertained by the advertisement inserted in the London Gazette in the month of *January* next preceding the holding of such Quarter Sessions, under the provisions of an Act passed in the sixth and seventh years of his late Majesty King WILLIAM the Fourth, and intituled, "An Act for the Commutation of Tithes in England and Wales," above or below the prices of wheat, barley and oats stated in the like advertisement which shall have been published next before the first fixing of the said rent by the said Commissioner or valuer, or, if such rent shall have been previously revised, next before the last revision of such rent; and the amount of rent so altered and revised by the said Justices shall continue until a new revision of the said rent shall have been made in manner aforesaid: Provided always, That the costs and expenses attendant on such application shall be borne and paid by the party applying for such revision of the said rent.

And be it Enacted, That it shall be lawful for the said Field Wardens to vacate the lease under any such inclosure, and to quit and deliver up possession of the land thereby allotted to them, at any time (but nevertheless at such time of the year only as the annual

annual or other rent fixed by the said award is made payable) after giving *Six Months'* notice of such their intention to the person or persons who shall or may be entitled under the said award to the enjoyment of the said land, after it shall have ceased to be held by the said Field Wardens.

giving *Six Months'* notice.

AND whereas in parishes inclosed under Acts of Parliament there are in many cases allotments made for the benefit of the poor, which are now comparatively useless and unproductive; BE it Enacted, That it shall and may be lawful for the Trustees of the said allotments to let the same to the Field Wardens of the parish in which the same are situated, for such term of years and such fair and reasonable rents as may be agreed upon between the said Trustees and the said Field Wardens.

14.

Trustees of Poor Allotments under local Acts may let the same to Field Garden Wardens.

AND whereas such last-mentioned allotments have in some cases been let by the Trustees thereof to cottagers, as field gardens or cottage allotments, under and by virtue of the said Act hereby repealed; BE it Enacted, That in all such cases the said Trustees shall from *the passing of this Act*, have all the powers and remedies hereby given to the Field Wardens of any parish, and shall act and demean themselves, in relation to the said field gardens or cottage allotments and the occupiers thereof, as if they had been appointed Field Wardens under the provisions of this Act: Provided always, That on the appointment of Field Wardens for the parish in which the same allotments are situate, it shall be lawful for the said Trustees immediately to let or demise the same to the said Field Wardens, and the said Field Wardens shall thereupon become entitled to receive the rents thereof, and all arrears which may be then due, and shall have the like means of enforcing payment of the rents thereof, and of obtaining possession thereof, and all the like powers and remedies as if the same had been let by them under the provisions of this Act.

15.

Trustees of Poor Allotments to have the same powers and remedies as Field Wardens.

And be it Enacted, That the rent to be paid by the said Field Wardens, for the use of the said allotments hereinbefore last-mentioned, shall be applied by the said Trustees in the purchase of fuel, to be distributed in the winter season among the poor parishioners legally settled and resident in the said parish.

16.

Rent of such Poor Allotments to be applied in purchase of Fuel.

And be it Enacted, That when any lands are held under any lease for a term of years, it shall be lawful for the lessor, with the consent of the lessee, to let any portion of the said demised lands to the Field Wardens of any parish, for and during the residue of such term, for such rent as may be agreed upon

17.

When Lands under lease, Lessor may, with consent of Lessee, let part of demised Lands to Field Wardens.

between the said lessor, lessee and Field Wardens, without in any way affecting, disturbing or making void the said lease, or the covenants, conditions and provisoes therein contained, or any of them, so far as the same relates or relate to the residue of the lands therein contained; and the amount of the rent agreed to be paid by such Field Wardens shall be indorsed in a memorandum on the said lease; and the said lessee, his executors, administrators and assigns, shall be discharged and exonerated from so much and such part of the rent reserved in the said lease as is mentioned and set forth in the said memorandum.

18.

Corporate
Bodies, Tenants for Life,
&c., may
demise Lands
to Field
Wardens.

And be it Enacted, That it shall be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, husbands, guardians, feoffees in trust, committees and trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of cestuique trusts, whether infants, issue unborn, lunatics, idiots, femmes-covert or other persons, and for all femmes-covert who are or shall be seised in their own right, and for all mortgagees in fee in possession, and for all tenants for life or lives, and for all other persons whomsoever who shall be seised of any lands, to let and demise the same or any part thereof to the Field Wardens of the parish in which the same are situate, and their successors, for any term of years not exceeding *Twenty-one* from the commencement thereof: Provided always, That there shall be reserved in the said demise a fair and reasonable rent, and after the same rate as is usually obtained for the occupation of lands of similar quality in the said parish.

19.

Field
Wardens
may take and
sue as Corporate
Bodies.

And be it Enacted, That all lands which shall be hired or taken on lease by the Field Wardens of any parish shall be demised to the said Field Wardens and their successors, and such Field Wardens shall and may and they are hereby empowered to take and hold, in the nature of a body corporate, for the purposes of this Act, all such lands; and in all leases, agreements or other instruments to be executed, entered into or made under the provisions of this Act, it shall be sufficient to describe the Field Wardens as the Field Wardens of the parish for which they may be appointed, naming such parish; and such leases, agreements and other instruments shall be valid and effectual in law, if signed by the major part of the Field Wardens for the time being, and shall bind the said Field Wardens and their successors; and in all actions, suits, indictments and other proceedings for or in relation to any lands taken or hired for the purposes of this Act, it shall be sufficient to name the Field Wardens

Wardens for the time being, describing them as the Field Wardens of the parish for which they shall act, and naming such parish; and no action or suit, indictment or other proceeding shall abate or be discontinued, quashed or impeded by the death of the Field Wardens named in the pleadings in any such suit or action, or in any such indictment or other proceeding, or the deaths or death of any or them, or by their removal or the removal of any of them from or by the expiration of their respective offices; and all leases of lands to the Field Wardens of any parish for the purposes of this Act may be in the form set forth in the Schedule appended to this Act: Provided always, That whenever any lands which shall have been taken or hired by any Field Wardens shall cease to be held by them for the purposes of this Act, or whenever the Field Wardens of any parish in whom any lands are vested shall cease to hold office, and no other persons shall be elected in their stead, then the same lands shall revert to and be re-vested in the person or persons who, but for the provisions of this Act, would be entitled to the possession thereof, and be subject to the like uses, trusts and purposes as the same were subject to previous to their being taken or hired by the said Field Wardens.

Actions, &c.
not to abate
by death or
resignation of
Field War-
dens.

Form of Lease
to Field War-
dens.

AND whereas payments on account of the Field Gardens may sometimes be required of the Field Wardens before the rents for which such Field Gardens have been let to labourers become due, and it is expedient to empower them to draw upon the Overseers for advances of money, which advances are afterwards to be repaid out of the rents of the Field Gardens; BE it therefore Enacted, That it shall be lawful for the said Field Wardens from time to time, whenever any rent reserved on any demise of lands to them or by them agreed to be paid under any agreement, or whenever any parochial or other rates or taxes, or any tithes or rent-charge in lieu of tithes, in respect of such lands, shall become due, to give an order under their hands for payment of such rent, rates, taxes, tithes or rent-charge directed to the Overseers of the parish; and upon receipt of the said order, the said Overseers are hereby directed and required to pay to the person presenting the same the amount mentioned in such order out of any money belonging to the said parish in their hands, and upon the auditing of the accounts of the said parish the auditor is hereby required to allow the same.

20.

Field War-
dens may
draw upon
Overseers of
the Parish
for advances
of Money for
payment of
Rent, Rates,
&c.

21.

Field War-
dens to let
Field Gardens
to poor inha-
bitants, and
half an acre
to be the
maximum
size.

And be it Enacted, That the said Field Wardens shall from time to time let the land so held, taken or hired by them in Field Gardens or allotments not exceeding *Half an Acre* each, to such poor inhabitants of the said parish, and on such terms and conditions and subject to such regulations, and at such yearly or other rents as they may think fit: Provided always, That no person occupying any

90.

B

such

Field Wardens to be deemed the occupiers for the purposes of all Parochial and other Rates.

such Field Garden shall be liable to be rated or assessed to any parochial or other rate or tax in respect of such occupation; but the said Field Wardens shall, for the purposes of every such rate or tax, be deemed the actual occupiers of every such Field Garden, and shall be assessed and pay all rates and taxes in respect thereof, and shall also pay all tithes, compositions for tithes or rent-charge in lieu of tithes, which shall from time to time accrue or become payable in respect of the said Field Gardens: Provided also, That the amount of rent to be reserved on the letting of any such Field Garden shall be sufficient to meet and defray the proportionate amount of the rent paid or payable by the said Field Wardens, and also the estimated amount of all parochial and Parliamentary rates and taxes, and all tithes or tithe rent-charge to be paid by the said Field Wardens in respect of such Field Garden, and also all ordinary expenses bonâ fide incurred by the said Field Wardens in collecting the rents from the tenants of the Field Gardens.

22.
If Rent is in arrear, the tenant shall be evicted.

And be it Enacted, That if the rent reserved upon any such Field Garden shall at any time be *Four Weeks* in arrear, after the day at which by agreement it has become due, the said Field Wardens shall serve a notice to quit upon the occupier of such Field Garden; whereupon the said occupier shall deliver up possession of the same to the said Field Wardens within *Three Weeks* after the said notice has been duly served upon him.

23.
Power to recover possession by summary process of land illegally held over.

And be it Enacted, That if the occupier of any Field Garden shall refuse to quit and to deliver up possession when thereto required, according to the terms of this Act, or if any other person shall unlawfully enter upon or take or hold possession of any land belonging to the Field Wardens of any parish, it shall be lawful for the said Field Wardens, or any one or more of them, to exhibit a complaint against the person so in possession of such Field Garden or land before *Two* of Her Majesty's Justices of the Peace, who are hereby authorized and required to issue a summons under their hands to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein; and such Justices are hereby required and empowered, upon the appearance before them of such person, or upon proof upon oath that such summons has been duly served, to proceed to hear and determine the matter of such complaint; and if they shall find and adjudge the same to be true, then, by warrant under their hands to cause possession of the Field Garden or land in question to be delivered to the said Field Wardens, or to some of them, within a period to be therein named, not less than *Five* nor more than *Ten* clear Days from the date of such warrant.

And

And be it Enacted, That all arrears of rent for any such Field Garden shall be recoverable by the Field Wardens, or any of them, by application to *Two* of Her Majesty's Justices of the Peace, who shall thereupon summon the party complained against, and after hearing what he has to allege, should they find any rent to be due, they are required to issue a warrant under their hands to levy the same upon the goods and chattels of the person from whom the said arrears of rent shall be due and owing.

24.
Arrears of
Rent how to
be recovered.

And be it Enacted, That the said Field Wardens shall, out of the money arising from the letting of the said Field Gardens, first reimburse themselves all payments made in respect of rent, parochial and other rates and taxes, tithes or rent-charge in lieu of tithes, and also all ordinary expenses *bonâ fide* incurred by them in collecting the rents, and shall then pay over the residue to the Overseers of the Parish, to be employed by them in aid of the Poor Rates, and shall, at a vestry to be holden in the month of *November* in every year, due notice thereof having been given *Ten* days previous, which notice is to be affixed to the principal doors of the churches and chapels of the said parish, present an account of their receipts and disbursements during the year ending at the *Michaelmas* then last past, to be audited by the Overseers and Rate-payers in vestry assembled.

25.
Rent of Field
Gardens how
to be applied.

Accounts of
Field War-
dens to be
audited.

And be it Enacted, That if, on the auditing of the said accounts, it shall appear that the Field Wardens have not repaid such advances of money as may have been made to them by the Overseers, and that at the same time the rent reserved upon any Field Garden has been suffered to run more than *Four Weeks* in arrear, after the day at which by agreement it has become due, and that the said Field Wardens have not proceeded to evict the occupier thereof, and to obtain possession thereof, then and in such case the said Field Wardens shall become and be personally liable to the Overseers and Churchwardens of the said Parish for the amount of the rent so suffered to run in arrear, and if the said Field Wardens shall omit or refuse to discharge such liability, then the Overseers and Churchwardens shall proceed to recover the said amount by distress upon the goods and chattels of the said Field Wardens or any of them, or by any the like remedies as are by law provided for recovering parochial rates in arrear: Provided always, That the said Overseers and Churchwardens shall not proceed to distrain the goods and chattels of any of the said Field Wardens for any rent so in arrear, or to take any other means of recovering the same, without first obtaining an order under the hands of *Two* Justices in Petty Sessions assembled, which order the said Justices are hereby required to grant, upon reasonable proof shown to them that such rent has

26.
When Rent
One Month in
arrear and
Tenant not
evicted, Field
Wardens to
be personally
liable.

been suffered to run more than *Four* Weeks in arrear, and that the said Field Wardens have not proceeded to evict the occupier of such Field Garden, and to obtain possession thereof as required by this Act.

27.
Accounts of expenses necessarily incurred by Field Wardens to be presented to vestry and paid, unless sufficient cause to the contrary be shown.

And be it Enacted, That if any expenses (over and above the payment of rent, rates, taxes, tithes or rent-charge in lieu of tithes and ordinary expenses bonâ fide incurred in collecting the rents as hereinbefore mentioned) shall have been necessarily incurred by the Field Wardens of any parish in executing the trusts of this Act, they shall present an account of such expenses at the vestry, to be holden in the month of *November* in every year as aforesaid, for the purpose of being audited, and such vestry shall, unless there appear sufficient cause to the contrary, order the Overseers to discharge such accounts out of any money in their hands belonging to such parish. 5 10

28.
Leases and Agreements to be exempt from Stamp.

And be it Enacted, That no lease or agreement to be made to, with or by the Field Wardens of any parish, shall be chargeable with any stamp-duty whatsoever. 15

29.
Meaning of words as used in this Act.

And be it Enacted, That in the construction of this Act, when any word is used importing the singular number or masculine gender, such word shall be held to include several persons or things as well as one person or thing, and females as well as males; and the word "parish" shall mean and include every parish and every extra-parochial place, and every township, hamlet or village within which Overseers of the Poor are separately appointed under an Act passed in the thirteenth and fourteenth years of his late Majesty King CHARLES the Second, intituled, "An Act for the better Relief of the Poor of this Kingdom." 20 25

30.
Act only to extend to England and Wales.

And be it Enacted, That this Act shall extend only to England and Wales.

31.
Act may be amended or repealed during present Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

FORM of LEASE hereinbefore referred to.

THIS INDENTURE, made this day of in the year of our Lord between A. B. of the one part, and the Field Wardens of the parish of C. in the county of D. of the other part, witnesseth, that in consideration of the yearly rent hereinafter reserved, the said A. B. doth hereby grant, demise and lease unto the Field Wardens of the said parish of and their successors, all [here describe the lands], together with all rights, easements and appurtenances to the said premises belonging, to have and to hold the same unto the said Field Wardens and their successors, for the term of Twenty-one years from the day of the date hereof, yielding and paying yearly unto the said A. B., his heirs and assigns, the clear yearly rent of £. by two equal half-yearly payments, on the day of and the day of in every year; and the said Field Wardens do hereby, for themselves and their successors, covenant, that they will from time to time, during the said term, pay unto the said A. B., his heirs and assigns, the said rent of £. and also that they will pay all taxes, rates, dues and duties whatsoever, Parliamentary or parochial, except the land-tax [and all rent-charge in lieu of tithes],* which shall during the said term be payable in respect of the said lands and premises. In witness, &c.

* The words within brackets to be omitted if tithe rent-charge to be paid by lessor.

Field Gardens.

A

B I L L

To promote the letting of Field Gardens to
the Labouring Poor.

(Prepared and brought in by
Mr. Couper, Mr. William Miles,
and Mr. Aglionby.)

Ordered, by The House of Commons, to be Printed,
4 March 1845.

90. 2 +

Under 2 oz.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To promote the letting of Field Gardens to the
Labouring Poor.

[N.B.—*The Clause marked (A.) was added by the Committee.*]

WH^{EREAS} by an Act passed in the twenty-second year of
the reign of his late Majesty King GEORGE the Third, inti-
tuled, “An Act for the better Relief and Employment of the Poor,”
certain power is given to the Guardians to be appointed under the
5 provisions of the said Act, for inclosing certain portions of waste
land for the benefit of the poor inhabitants of the Parish :

Preamble :

22 Geo. 3, c.
83, s. 27.

And whereas by an Act passed in the fifty-ninth year of the
reign of his said late Majesty King GEORGE the Third, intituled,
“An Act to amend the Laws for the Relief of the Poor,” certain
10 power is given to the Churchwardens and Overseers of the poor to
take land for the purpose of letting the same to the poor inhabit-
ants of the parish, to be cultivated by them on their own account
and for their own benefit :

59 Geo. 3, c.
12, s. 13.

And whereas an Act was passed in the first and second years of
15 the reign of his late Majesty King WILLIAM the Fourth, intituled,
“An Act to amend an Act of the Fifty-ninth Year of his Majesty
King GEORGE the Third, for the Relief and Employment of the
Poor :”

1 & 2 Will. 4,
c. 42.

And whereas another Act was passed in the said first and second
20 years of his said late Majesty King WILLIAM the Fourth, intituled,
“An Act to enable Churchwardens and Overseers to inclose Land
belonging to the Crown, for the Benefit of Poor Persons residing
in the Parish in which such Crown Land is situate :”

1 & 2 Will. 4,
c. 59.

2 Will. 4,
c. 42.

And whereas an Act was passed in the second year of his late Majesty King WILLIAM the Fourth, intituled, "An Act to authorize (in Parishes inclosed under an Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers:"

5 & 6 Will. 4,
c. 69, s. 4.

And whereas an Act was passed in the fifth and sixth years of his said late Majesty King WILLIAM the Fourth, intituled, "An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and Incorporations, or Unions of Parishes, in England and Wales :"

And whereas it is expedient to make further provisions for extending in certain parishes, to poor labourers and artisans, the benefit of renting small allotments of land or field gardens ;

1.
Three
Rate-payers
may require a
Meeting to
be held of the
Owners and
Occupiers of
Land, and of
the Inhabit-
ant House-
holders, to
decide whe-
ther this Act
shall be adopt-
ed in that
Parish.

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in any parish where it may appear desirable that the provisions of this Act should be adopted, it shall be lawful for any Three persons rated to the relief of the poor in such parish, on some day in the month of August, to deliver a requisition, signed by them, to the officiating Minister of the said parish, requiring him to call a meeting of the owners and occupiers of land, and of the inhabitant householders of the parish, to decide upon the adoption or non-adoption of this Act.

2.
Notice of the
Meeting to be
affixed to the
Doors of
Churches and
Chapels.

And be it Enacted, That the said officiating Minister shall, on the first Sunday in the month of September next after the receipt of such requisition, affix, or cause to be affixed, a notice to the principal doors of the Churches and Chapels of the said parish, appointing such meeting to be held at some convenient place in or near the said parish, on some day not sooner than Ten Days, and not later than Twenty-one Days after the publication of such notice, and such notice shall be to the following effect :

Form of
Notice of
Meeting.

"I, the Reverend A. B., Clerk, officiating Minister of the parish of C., having received a requisition, pursuant to the provisions of an Act passed, et cætera, and intituled, et cætera, do hereby give notice, that a meeting of the owners and occupiers of land, and of the inhabitant householders of the said parish, will be held on the day of at the hour of of the clock in the noon, for the purpose of deciding upon the adoption

adoption or non-adoption of the above-mentioned Act, and,
in the event of its adoption, for the purpose of choosing
the Wardens of the Field Gardens of the said parish.

Dated this day of September, in the year
of our Lord

(signed) “ A. B.
“ Officiating Minister.”

3.
CLAUSE (A.)
If meeting be
not called in
pursuance of
the requisition, the requisitionists may call a Meeting.

And be it Enacted, That in case, by the default of the officiating minister, to whom any such requisition as aforesaid shall have been
10 delivered, notice shall not be given of a meeting, in pursuance of such requisition, on such First Sunday in the month of September next after the delivery of such requisition, it shall be lawful for the persons who shall have signed such requisition, or any Two of them, to call a meeting of the owners and occupiers of land and inhabi-
15 tant householders of such parish, to be held as aforesaid, at any time within the same month of September, by notice to the like effect, with such variation as the circumstances may require, and to be published in the same manner as hereinbefore directed in respect of the notice to be published by such officiating minister.

20 And be it Enacted, That the officiating Minister shall, if he be present, act as Chairman of such meeting, but in case of his absence, the persons present shall elect a Chairman; and if the meeting shall decide by a majority of voices to adopt this Act, they shall forthwith proceed at that time, or subsequently by adjournment,
25 to elect, from among the owners of land, and the persons rated to the relief of the poor in such parish, any number of persons, not less than Two, nor more than Four, to be trustees for the purposes of this Act as hereinafter mentioned; and the Chairman shall at such meeting or adjourned meeting declare the names of the persons
30 who have been so elected as aforesaid, and shall immediately after such election notify the same to the persons so elected, and also to the officiating Minister and Churchwardens of the said parish, who shall cause the names of the persons so elected to be affixed on the principal doors of the churches and chapels in the said
35 parish on the Two Sundays next after such election.

4.
If the Meeting decide upon adopting this Act, they shall then elect Trustees for the purposes of this Act.

And be it Enacted, That the officiating Minister for the time being, and the Trustees so elected as aforesaid, shall be the Trustees of all such land as shall be taken or hired, for the purpose, of this Act, and shall be styled the “ Field Wardens ” of the said parish;
40 and the said Field Wardens, or the major part of them, shall have full power and authority to do all the acts and things authorized or required by this Act.

5.
Officiating Minister and the elected Trustees to be the Field Wardens of the Parish.

6.
Field Wardens to hold their office for Three Years.

And be it Enacted, That the Field Wardens so elected as aforesaid shall hold their office for Three Years from the date of their election, and at the end of Three Years, and of every succeeding period of Three Years, there shall be a new election of Field Wardens in manner aforesaid : Provided always, That every person who shall have held the office of Field Warden shall, at any future election, be re-eligible to such office : Provided also, That in case no notice of such new election shall be given, and until such new election shall take place, the said Field Wardens whose term of office shall have expired shall continue to act as the Field Wardens of the said parish ; and until such election it shall be lawful for the continuing Wardens, or the major part of them, to act as if no such vacancy had occurred.

7.
In case of Wardens refusing or becoming incapable to act, Officiating Minister to call fresh meeting.

And be it Enacted, That in case any Field Warden, elected as aforesaid, shall, at the time of his election refuse to act, or shall die, or shall become incapable of acting, then the officiating Minister shall by like notice and in like manner call a meeting of the owners and occupiers of land, and of the inhabitant householders of the parish, for the purpose of electing from among the owners of land, and the persons rated to the relief of the poor in such parish, some other person to be a Field Warden in the place of the person so refusing to act, or dying or becoming incapable of acting ; and in case the officiating Minister shall, for Twenty-one Days after notice of the refusal, death or incapacity to act, neglect to call such meeting for the purpose aforesaid, it shall be lawful for any Three householders of the parish to call a like meeting for such purpose, and every such meeting shall be held on some day not less than Ten nor more than Twenty-one Days after the date of the notice of such meeting.

8.
Field Wardens may hire land, and assume the tenancy, after due notice, of any land held in trust for the poor.

And be it Enacted, That it shall be lawful for the Field Wardens of any parish, for the purposes of this Act to hire or take on lease any suitable land of any tenure within or near to such parish, and, if they shall deem it necessary, to take into their hands as tenants thereof any land belonging to the Churchwardens and Overseers or Guardians of the poor of such parish, or belonging to or held in trust for the poor thereof (and which shall not be held as a garden or otherwise for the convenience of a workhouse, or used and cultivated as a parish farm for the employment of the poor of the said parish, under the said recited Acts, or any of them), and the Churchwardens and Overseers, or Guardians of the poor of such parish, and the Trustees respectively, in whom the legal estate of any such land belonging to such Churchwardens and Overseers, or Guardians respectively, or belonging to or held in trust for the poor, may

may be vested, shall, upon the request of the Field Wardens, let such lands, or so much thereof as shall not be held as a garden or otherwise for the convenience of a workhouse, or used and cultivated as a parish farm, or so much thereof as the Field Wardens shall require for the purposes of this Act (subject nevertheless to, or after the determination of, any tenancy which may be subsisting therein) for such term, not exceeding Twenty-one Years, as the Field Wardens may require, at a reasonable rent, according to the rate usually obtained for the lands of a like quality in the same parish ; and in case the parties differ about the same, such rent shall be fixed by a Surveyor, whom any Two of Her Majesty's Justices of the Peace may, on the application of the said Field Wardens, nominate for that purpose : Provided always, That when any such land as last aforesaid shall be subject to the tenancy of any tenant from year to year, it shall not be lawful for the Field Wardens, without the consent of such tenant, to determine or to require such Churchwardens and Overseers, or Guardians or Trustees, without such consent to determine, such tenancy before the expiration of Three Years from the time when the Field Wardens shall have given notice to such Churchwardens, or Overseers, or Guardians or Trustees, that such land will be required for the purposes of this Act : Provided also, That the total quantity of land so taken and hired shall not exceed the proportion of One half-acre to every inhabitant householder of the said parish, excepting such as are rated to the relief of the poor on an assessment amounting to or exceeding Ten Pounds yearly value.

Land so taken, or hired not to exceed the proportion of half an acre for every Householder, excepting such as are rated at 10*l*.

AND whereas in parishes inclosed under Acts of Parliament there are in many cases allotments made for the benefit of the poor, which are now comparatively useless and unproductive ; BE it Enacted, That it shall and may be lawful for the Trustees of the said allotments to let the same to the Field Wardens of the parish in which the same are situated, for such term of years and such fair and reasonable rents as may be agreed upon between the said Trustees and the said Field Wardens.

9. Trustees of Poor Allotments under local Acts may let the same to Field Garden Wardens.

And be it Enacted, That the rent to be paid by the said Field Wardens, for the use of the said allotments hereinbefore last-mentioned, shall be applied by the said Trustees according to the direction of the Acts under which the same may have been allotted ; and if there be no directions in relation to such rent in such Act, then in the purchase of fuel, to be distributed in the winter season among the poor parishioners legally settled and resident in the said parish.

10. Rent of such Poor Allotments to be applied according to the direction of the Inclosure Acts.

11.

When Lands
under lease,
Lessor may,
with consent
of Lessee, let
part of de-
mised Lands
to Field War-
dens.

And be it Enacted, That when any lands are held under any lease for a term of years, it shall be lawful for the lessor, with the consent of the lessee, to let any portion of the said demised lands to the Field Wardens of any parish, for and during the residue of such term, for such rent as may be agreed upon 5 between the said lessor, lessee and Field Wardens, without in any way affecting, disturbing or making void the said lease, or the covenants, conditions and provisoes therein contained, or any of them, so far as the same relates or relate to the residue of the lands therein contained; and the amount of the rent agreed to be 10 paid by such Field Wardens shall be indorsed in a memorandum on the said lease; and the said lessee, his executors, administrators and assigns, shall be discharged and exonerated from so much and such part of the rent reserved in the said lease as is mentioned and set forth in the said memorandum. 15

12.

Corporate
Bodies, Te-
nants for Life,
&c., may
demise Lands
to Field
Wardens.

And be it Enacted, That it shall be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, husbands, guardians, feoffees in trust, and trustees for any charitable or other uses, committees and trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on 20 behalf of cestuique trusts, whether infants, issue unborn, lunatics, idiots, femmes-covert or other persons, and for all femmes covert who are or shall be seised in their own right, and for all mortgagees in fee in possession, and for all tenants for life or lives, and for all other persons whomsoever who shall be seised of any lands, to 25 let and demise the same or any part thereof to the Field Wardens of the parish in which the same are situate, and their successors, for any term of years not exceeding Twenty-one from the commencement thereof: Provided always, That there shall be reserved in the said demise a fair and reasonable rent, and after the 30 same rate as is usually obtained for the occupation of lands of similar quality in the said parish.

13.

Field
Wardens
may take and
sue as Cor-
porate Bodies.

And be it Enacted, That all lands which shall be hired or taken on lease by the Field Wardens of any parish shall be demised to the said Field Wardens and their successors, and 35 such Field Wardens shall and may and they are hereby empowered to take and hold, in the nature of a body corporate, for the purposes of this Act, all such lands; and in all leases, agreements or other instruments to be executed, entered into or made under the provisions of this Act, it shall be sufficient to describe 40 the Field Wardens as the Field Wardens of the parish for which they may be appointed, naming such parish; and such leases, agreements and other instruments shall be valid and effec-
tual

tual in law, if signed by the major part of the Field Wardens for the time being, and shall bind the said Field Wardens and their successors; and in all actions, suits, indictments and other proceedings for or in relation to any lands taken or hired for the purposes of this Act, it shall be sufficient to name the Field Wardens for the time being, describing them as the Field Wardens of the parish for which they shall act, and naming such parish; and no action or suit, indictment or other proceeding shall abate or be discontinued, quashed or impeded by the death of the Field Wardens named in the pleadings in any such suit or action, or in any such indictment or other proceeding, or the deaths or death of any or them, or by their removal or the removal of any of them from or by the expiration of their respective offices; and all leases of lands to the Field Wardens of any parish for the purposes of this Act may be in the form set forth in the Schedule appended to this Act: Provided always, That whenever any lands which shall have been taken or hired by any Field Wardens shall cease to be held by them for the purposes of this Act, or whenever the Field Wardens of any parish in whom any lands are vested shall cease to hold office, and no other persons shall be elected in their stead, then the same lands shall revert to and be re-vested in the person or persons who, but for the provisions of this Act, would be entitled to the possession thereof, and be subject to the like uses, trusts and purposes as the same were subject to previous to their being taken or hired by the said Field Wardens.

Actions, &c.
not to abate
by death or
resignation of
Field War-
dens.

Form of Lease
to Field War-
dens.

And be it Enacted, That the said Field Wardens shall from time to time let the land so held, taken or hired by them in Field Gardens or allotments not exceeding Half an Acre each, to such poor inhabitants of the said parish, and on such terms and conditions and subject to such regulations, and at such yearly or other rents payable in advance or otherwise as they may think fit: Provided always, That no person occupying any such Field Garden shall be liable to be rated or assessed to any parochial or other rate or tax in respect of such occupation; but the said Field Wardens shall, for the purposes of every such rate or tax, be deemed the actual occupiers of every such Field Garden, and shall be assessed and pay all rates and taxes in respect thereof, and shall also pay all tithes, compositions for tithes or rent-charge in lieu of tithes, which shall from time to time accrue or become payable in respect of the said Field Gardens.

14.
Field War-
dens to let
Field Gardens
to poor inha-
bitants, and
half an acre
to be the
maximum
size.

Field War-
dens to be
deemed the
occupiers for
the purposes
of all Paro-
chial and
other Rates.

And be it Enacted, That if the rent reserved upon any such Field Garden shall at any time be Four Weeks in arrear, after the day at

15.
If Rent is in
arrear, the
tenant shall
be evicted.

at which by agreement it has become due, the said Field Wardens shall serve a notice to quit upon the occupier of such Field Garden; whereupon the said occupier shall deliver up possession of the same to the said Field Wardens within Three Weeks after the said notice has been duly served upon him.

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16.

Power to recover possession by summary process of land illegally held over.

And be it Enacted, That if the occupier of any Field Garden shall refuse to quit and to deliver up possession when thereto required, according to the terms of this Act, or if any other person shall unlawfully enter upon or take or hold possession of any land belonging to the Field Wardens of any parish, it shall be lawful for the said Field Wardens, or any one or more of them, to exhibit a complaint against the person so in possession of such Field Garden or land before Two of Her Majesty's Justices of the Peace, who are hereby authorized and required to issue a summons under their hands to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein; and such Justices are hereby required and empowered, upon the appearance before them of such person, or upon proof upon oath that such summons has been duly served, to proceed to hear and determine the matter of such complaint; and if they shall find and adjudge the same to be true, then, by warrant under their hands to cause possession of the Field Garden or land in question to be delivered to the said Field Wardens, or to some of them, within a period to be therein named, not less than Five nor more than Ten clear Days from the date of such warrant.

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17.

Arrears of Rent how to be recovered.

And be it Enacted, That all arrears of rent for any such Field Garden shall be recoverable by the Field Wardens, or any of them, by application to Two of Her Majesty's Justices of the Peace, who shall thereupon summon the party complained against, and after hearing what he has to allege, should they find any rent to be due, they are required to issue a warrant under their hands to levy the same upon the goods and chattels of the person from whom the said arrears of rent shall be due and owing.

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18.

Rent of Field Gardens how to be applied.

And be it Enacted, That the said Field Wardens shall, in case they find a residue out of the money arising from the letting of the said Field Gardens, after all payments in respect of rent, parochial and other rates and taxes, tithes or rent-charge in lieu of tithes, and of all ordinary expenses bonâ fide incurred by them in collecting the rents, including any salary or allowance to any Collector whom they shall employ in the collection of such rents, pay over such residue to the Surveyors of the Highways of such parish, to be employed

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played by them in aid of the Highway Rates, and shall, at a vestry to be holden in the month of November in every year, due notice thereof having been given Ten days previous, which notice is to be affixed to the principal doors of the churches and
 5 chapels of the said parish, present an account of their receipts and disbursements during the year ending at the Michaelmas then last past, to be audited by the Rate-payers in vestry assembled.

Accounts of
Field War-
dens to be
audited.

And be it Enacted, That if any expenses of collection, manage-
 ment or other expenses (over and above the payment of rent, rates,
 10 taxes, tithes or rent-charge in lieu of tithes and ordinary expenses
 bonâ fide incurred in collecting the rents as hereinbefore mentioned)
 shall be necessarily incurred by the Field Wardens of any parish in
 executing the trusts of this Act, they shall present an account of
 such expenses at the vestry, to be holden in the month of November
 15 in every year as aforesaid, for the purpose of being audited, and such
 vestry may, if they shall think fit, order the Surveyors of the High-
 ways to discharge such accounts out of any money then in his hands,
 or which may hereafter be received by him as such Surveyor.

19.
Vestry may,
if they think
fit, defray
any necessary
expenses of
management.

And be it Enacted, That no lease or agreement to be made to,
 20 with or by the Field Wardens of any parish, shall be chargeable with
 any stamp-duty whatsoever.

20.
Leases and
Agreements
to be exempt
from Stamp.

And be it Enacted, That in the construction of this Act, when
 any word is used importing the singular number or masculine gen-
 der, such word shall be held to include several persons or things
 25 as well as one person or thing, and females as well as males; and
 the word "parish" shall mean and include every parish and every
 extra-parochial place, and every township, hamlet or village within
 which Overseers of the Poor are separately appointed under an Act
 passed in the thirteenth and fourteenth years of his late Majesty
 30 King CHARLES the Second, intituled, "An Act for the better Relief
 of the Poor of this Kingdom."

21.
Meaning of
words as used
in this Act.

And be it Enacted, That this Act shall extend only to England
 and Wales.

22.
Act only to
extend to
England and
Wales.

And be it Enacted, That this Act may be amended or repealed
 by any Act to be passed in the present Session of Parliament.

23.
Act may be
amended or
repealed
during pre-
sent Session.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

FORM of LEASE hereinbefore referred to.

THIS INDENTURE, made this day of in the year of our Lord between A. B. of the one part, and the Field Wardens of the parish of C. in the county of D. of the other part, witnesseth, that in consideration of the yearly rent hereinafter reserved, the said A. B. doth hereby grant, demise and lease unto the Field Wardens of the said parish of and their successors, all [*here describe the lands*], together with all rights, easements and appurtenances to the said premises belonging, to have and to hold the same unto the said Field Wardens and their successors, for the term of Twenty-one years from the day of the date hereof, yielding and paying yearly unto the said A. B., his heirs and assigns, the clear yearly rent of £. by two equal half-yearly payments, on the day of and the day of in every year; and the said Field Wardens do hereby, for themselves and their successors, covenant, that they will from time to time, during the said term, pay unto the said A. B., his heirs and assigns, the said rent of £. and also that they will pay all taxes, rates, dues and duties whatsoever, Parliamentary or parochial, except the land-tax [and all rent-charge in lieu of tithes],* which shall during the said term be payable in respect of the said lands and premises. In witness, &c.

* The words within brackets to be omitted if tithe rent-charge to be paid by lesser.

Field Gardens.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To promote the letting of Field Gardens to
the Labouring Poor.

(Prepared and brought in by
*Mr. Couper, Mr. William Miles,
and Mr. Aglionby.*)

*Ordered, by The House of Commons, to be Printed,
7 May 1845.*

282.

Under 2 oz.

3 July 1845.—9 VICT.



A

B I L L

[AS AMENDED BY THE COMMITTEE, ON RE-COMMITMENT,
AND ON REPORT]

To promote the letting of Field Gardens to the
Labouring Poor.

[N.B.—*The Clause marked (A.) was added by the Committee, and the
Clause marked No. 1. was added on Report.*]

WH^{EREAS} by an Act passed in the twenty-second year of
the reign of his late Majesty King GEORGE the Third, inti-
tuled, “An Act for the better Relief and Employment of the Poor,”
certain power is given to the Guardians to be appointed under the
provisions of the said Act, for inclosing certain portions of waste
land for the benefit of the poor inhabitants of the Parish :

Preamble :

22 Geo. 3, c.
83, s. 27.

And whereas by an Act passed in the fifty-ninth year of the
reign of his said late Majesty King GEORGE the Third, intituled,
“An Act to amend the Laws for the Relief of the Poor,” certain
power is given to the Churchwardens and Overseers of the poor to
take land for the purpose of letting the same to the poor inhabit-
ants of the parish, to be cultivated by them on their own account
and for their own benefit :

59 Geo. 3, c.
12, s. 13.

And whereas an Act was passed in the first and second years of
the reign of his late Majesty King WILLIAM the Fourth, intituled,
“An Act to amend an Act of the Fifty-ninth Year of his Majesty
King GEORGE the Third, for the Relief and Employment of the
Poor :”

1 & 2 Will. 4,
c. 42.

And whereas another Act was passed in the said first and second
years of his said late Majesty King WILLIAM the Fourth, intituled,
“An Act to enable Churchwardens and Overseers to inclose Land
belonging

1 & 2 Will. 4,
c. 59.

belonging to the Crown, for the Benefit of Poor Persons residing in the Parish in which such Crown Land is situate :”

2 Will. 4,
c. 42.

And whereas an Act was passed in the second year of his late Majesty King WILLIAM the Fourth, intituled, “ An Act to authorize (in Parishes inclosed under an Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers :” 5

5 & 6 Will. 4,
c. 69, s. 4.

And whereas an Act was passed in the fifth and sixth years of his said late Majesty King WILLIAM the Fourth, intituled, “ An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and Incorporations, or Unions of Parishes, in England and Wales :” 10

And whereas it is expedient to make further provisions for extending in certain parishes, to poor labourers and artisans, the benefit of renting small allotments of land or field gardens ;

BE it therefore Enacted, by The QUEEN’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT in any parish where it may appear desirable that the provisions of this Act should be adopted, it shall be lawful for any Six persons rated to the relief of the poor in such parish, on some day in the month of August, to deliver a requisition, signed by them, to any Churchwarden of the said parish, requiring him to call a vestry to decide upon the adoption or non-adoption of this Act. 15 20

1.
Three Rate-payers may require a Meeting to be held of the Vestry, to decide whether this Act shall be adopted in that Parish.

2.
Notice of the Meeting to be affixed to the Doors of Churches and Chapels.

And be it Enacted, That the said Churchwarden shall, on the first Sunday in the month of September next after the receipt of such requisition, affix, or cause to be affixed, a notice to the principal doors of the Churches and Chapels of the said parish, appointing such meeting to be held at some convenient place in or near the said parish, on some day not sooner than Twenty-one Days, and not later than Thirty-one Days after the publication of such notice, and such notice shall be to the following effect : 25 30

Form of Notice of Meeting.

“ I, A. B., a Churchwarden of the parish of C., having received a requisition, pursuant to the provisions of an Act passed, and intituled, do hereby give notice, that a meeting of the vestry of the said parish, will be held on the day of at the hour of of the clock in the noon, for the purpose of deciding upon the adoption 35

ceeding period of Three Years, there shall be a new election of Field Wardens in manner aforesaid : Provided always, That every person who shall have held the office of Field Warden shall, at any future election, be re-eligible to such office : Provided also, That in case no notice of such new election shall be given, and until such new election shall take place, the said Field Wardens whose term of office shall have expired shall continue to act as the Field Wardens of the said parish ; and until such election it shall be lawful for the continuing Wardens, or the major part of them, to act as if no such vacancy had occurred.

7.

In case of Wardens refusing or becoming incapable to act, Churchwardens to call fresh meeting.

And be it Enacted, That in case any Field Warden, elected as aforesaid, shall, at the time of his election refuse to act, or shall die, or shall become incapable of acting, then the Churchwarden shall by like notice and in like manner call a vestry of the parish, for the purpose of electing from among the owners of land, and the persons rated to the relief of the poor in such parish, some other person to be a Field Warden in the place of the person so refusing to act, or dying or becoming incapable of acting ; and in case the Churchwarden shall, for Twenty-one Days after notice of the refusal, death or incapacity to act, neglect to call such meeting for the purpose aforesaid, it shall be lawful for any Four Rate-payers of the parish to call a like meeting for such purpose, and every such meeting shall be held on some day not less than Twenty-one nor more than Thirty-one Days after the date of the notice of such meeting.

8.

Field Wardens may hire land, and assume the tenancy, after due notice, of any land held in trust for the poor.

And be it Enacted, That it shall be lawful for the Field Wardens of any parish, for the purposes of this Act to hire or take on lease any suitable land of any tenure within or near to such parish, and, if they shall deem it necessary, to take into their hands as tenants thereof any land within such parish belonging to or held in trust for the poor thereof (and which shall not be held as a garden or otherwise for the convenience of a workhouse, or used and cultivated as a parish farm for the employment of the poor of the said parish, under the said recited Acts, or any of them), and the Trustees and persons respectively, in whom the legal estate of any such land belonging to or held in trust for the poor, may be vested, shall, upon the request of the Field Wardens, let such lands, or so much thereof as shall not be held as a garden or otherwise for the convenience of a workhouse, or used and cultivated as a parish farm, or so much thereof as the Field Wardens shall require for the purposes of this Act (subject nevertheless to, or after the determination of, any tenancy which may be subsisting therein) for such term, not exceeding Seven Years, as the Field Wardens may require, at a reasonable rent, according to the rate usually obtained for the lands of a like quality in the same parish ;

parish ; and in case the parties differ about the same, such rent shall be fixed by a Surveyor, whom any Two of Her Majesty's Justices of the Peace may, on the application of the said Field Wardens, nominate for that purpose : Provided always, That when
 5 any such land as last aforesaid shall be subject to the tenancy of any tenant from year to year, it shall not be lawful for the Field Wardens, without the consent of such tenant, to determine or to require such Trustees or persons without such consent to determine such tenancy before the expiration of Three Years from the time when
 10 the Field Wardens shall have given notice to such Trustees or persons, and to the tenant, that such land will be required for the purposes of this Act : Provided also, That the total quantity of land so taken and hired shall not exceed the proportion of One half-acre to every inhabitant householder of the said parish, excepting
 15 such as are rated to the relief of the poor on an assessment amounting to or exceeding Ten Pounds yearly value.

Land so taken, or hired not to exceed the proportion of half an acre for every Householder, excepting such as are rated at 10 $\frac{1}{2}$.

AND whereas in parishes inclosed under Acts of Parliament there are in many cases allotments made for the benefit of the poor, which are now comparatively useless and unproductive ; BE it
 20 Enacted, That it shall and may be lawful for the Trustees of the said allotments to let the same to the Field Wardens of the parish in which the same are situated, for such term of years and such fair and reasonable rents as may be agreed upon between the said Trustees and the said Field Wardens.

9.
Trustees of Poor Allotments under local Acts may let the same to Field Garden Wardens.

And be it Enacted, That the rent to be paid by the said Field
 25 Wardens, for the use of the said allotments hereinbefore last-mentioned, shall be applied by the said Trustees according to the direction of the Acts under which the same may have been allotted ; and if there be no directions in relation to such rent in such Act,
 30 then in improving the said Field Gardens, by draining, fencing or other such improvements as shall render the occupation of such Field Gardens more advantageous to such poor inhabitants as aforesaid.

10.
Rent of such Poor Allotments to be applied according to the direction of the Inclosure Acts.

And be it Enacted, That when any lands are held under any
 35 lease for a term of years, it shall be lawful for the lessor, with the consent of the lessee, to let any portion of the said demised lands to the Field Wardens of any parish, for and during the residue of such term, for such rent as may be agreed upon between the said lessor, lessee and Field Wardens, without in any
 40 way affecting, disturbing or making void the said lease, or the covenants, conditions and provisoes therein contained, or any of them, so far as the same relates or relate to the residue of the lands therein contained ; and the amount of the rent agreed to be paid by such Field Wardens shall be indorsed in a memorandum

11.
When Lands under lease, Lessor may, with consent of Lessee, let part of demised Lands to Field Wardens.

on the said lease; and the said lessee, his executors, administrators and assigns, shall be discharged and exonerated from so much and such part of the rent reserved in the said lease as is mentioned and set forth in the said memorandum.

12.

Corporate
Bodies may
demise Lands
to Field
Wardens.

And be it Enacted, That it shall be lawful for all bodies politic, 5
corporate or collegiate, corporations aggregate or sole, and trustees
for any charitable uses, to let and demise the same or any part
thereof to the Field Wardens of the parish in which the same
are situate, and their successors, for any term of years not exceeding
Twenty-one from the commencement thereof: Provided always, 10
That there shall be reserved in the said demise a fair and reasonable
rent, and after the same rate as is usually obtained for the occu-
pation of lands of similar quality in the said parish.

CLAUSE
No. 1.

Field
Wardens
may take and
sue as Cor-
porate Bodies.

And be it Enacted, That all lands which shall be hired or
taken on lease by the Field Wardens of any parish shall be 15
demised to the said Field Wardens and their successors, and
such Field Wardens shall and may and they are hereby em-
powered to take and hold, in the nature of a body corporate,
for the purposes of this Act, all such lands; and in all leases, agree-
ments or other instruments to be executed, entered into or made 20
under the provisions of this Act, it shall be sufficient to describe
the Field Wardens as the Field Wardens of the parish for
which they may be appointed, naming such parish; and such
leases, agreements and other instruments shall be valid and effec-
tual in law, if signed by the major part of the Field Wardens 25
for the time being, and shall bind the said Field Wardens and
their successors; and in all actions, suits, indictments and other
proceedings for or in relation to any lands taken or hired for the
purposes of this Act, it shall be sufficient to name the Field
Wardens for the time being, describing them as the Field Wardens 30
of the parish for which they shall act, and naming such parish;
and no action or suit, indictment or other proceeding shall abate
or be discontinued, quashed or impeded by the death of the Field
Wardens named in the pleadings in any such suit or action, or in
any such indictment or other proceeding, or the deaths or death 35
of any of them, or by their removal or the removal of any of
them from or by the expiration of their respective offices; and all
leases of lands to the Field Wardens of any parish for the purposes
of this Act may be in the form set forth in the Schedule appended
to this Act: Provided always, That where in any lease or contract to 40
which the Field Wardens shall be parties, such Field Wardens, or any
of them, shall bind themselves personally, nothing herein contained shall
exempt such of them as shall have so bound themselves from any
liability to which they would have been subject in case this Act had

not

Actions, &c.
not to abate
by death or
resignation of
Field War-
dens.

Form of Lease
to Field War-
dens.

not been passed : Provided also, That whenever any lands which shall have been taken or hired by any Field Wardens shall cease to be held by them for the purposes of this Act, or whenever the Field Wardens of any parish in whom any lands are vested shall
 5 cease to hold office, and no other persons shall be elected in their stead, then the same lands shall revert to and be re-vested in the person or persons who, but for the provisions of this Act, would be entitled to the possession thereof, and be subject to the like uses, trusts and purposes as the same were subject to previous to their
 10 being taken or hired by the said Field Wardens.

And be it Enacted, That the said Field Wardens shall from time to time let the land so held, taken or hired by them in Field Gardens or allotments not exceeding Half an Acre each, to such poor inhabitants of the said parish, and on such terms and conditions and
 15 subject to such regulations, and at such yearly or other rents payable in advance or otherwise as they may think fit: Provided always, That no person occupying any such Field Garden shall be liable to be rated or assessed to any parochial or other rate or tax in respect of such occupation; but the said Field Wardens shall, for
 20 the purposes of every such rate or tax, be deemed the actual occupiers of every such Field Garden, and shall be assessed and pay all rates and taxes in respect thereof, and shall also pay all tithes, compositions for tithes or rent-charge in lieu of tithes, which shall from time to time accrue or become payable in respect of the said Field
 25 Gardens.

14.
Field Wardens to let Field Gardens to poor inhabitants, and half an acre to be the maximum size.

Field Wardens to be deemed the occupiers for the purposes of all Parochial and other Rates.

And be it Enacted, That if the occupier of any Field Garden shall refuse to quit and to deliver up possession when thereto required, according to the terms of this Act, or if any other person shall unlawfully enter upon or take or hold possession of any land
 30 belonging to the Field Wardens of any parish, it shall be lawful for the said Field Wardens, or any one or more of them, to exhibit a complaint against the person so in possession of such Field Garden or land before Two of Her Majesty's Justices of the Peace, who are hereby authorized and required to issue a summons under their
 35 hands to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein; and such Justices are hereby required and empowered, upon the appearance before them of such person, or upon proof upon oath that such summons has been duly served, to proceed to hear and
 40 determine the matter of such complaint; and if they shall find and adjudge the same to be true, then, by warrant under their hands, to cause possession of the Field Garden or land in question to be delivered to the said Field Wardens, or to some of them, within a period to be therein named, not less than Five nor more than Ten clear Days from the date of such warrant.

15.
Power to recover possession by summary process of land illegally held over.

16.

Rent of Field
Gardens how
to be applied.

And be it Enacted, That the said Field Wardens shall, in case they find a residue out of the money arising from the letting of the said Field Gardens, after all payments in respect of rent, parochial and other rates and taxes, tithes or rent-charge in lieu of tithes, and of all ordinary expenses bonâ fide incurred by them in collecting the rents, including any salary or allowance to any Collector whom they shall employ in the collection of such rents, apply such residue in improving the said Field Gardens, by draining, fencing, or in such other manner as may render the occupation of such Field Gardens more advantageous to such poor inhabitants as aforesaid, and shall, at a vestry to be holden in the month of November in every year, due notice thereof having been given Ten days previous, which notice is to be affixed to the principal doors of the churches and chapels of the said parish, present an account of their receipts and disbursements during the year ending at the Michaelmas then last past, to be audited by the Rate-payers in vestry assembled.

Accounts of
Field War-
dens to be
audited.

17.

Meaning of
words as used
in this Act.

And be it Enacted, That in the construction of this Act, when any word is used importing the singular number or masculine gender, such word shall be held to include several persons or things as well as one person or thing, and females as well as males; and the word "person" shall be held to mean and include a corporation; and the word "parish" shall mean and include every parish and every extra-parochial place, and every township, hamlet or village within which Overseers of the Poor are separately appointed under an Act passed in the thirteenth and fourteenth years of his late Majesty King CHARLES the Second, intituled, "An Act for the better Relief of the Poor of this Kingdom."

18.

Act only to
extend to
England and
Wales.

And be it Enacted, That this Act shall extend only to England and Wales.

19.

Act may be
amended or
repealed
during pre-
sent Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

FORM of LEASE hereinbefore referred to.

THIS INDENTURE, made this day of in the year of our
 Lord between A. B. of the one part, and the Field Wardens
 of the parish of C. in the county of D. of the other part, witnesseth, that in consideration
 of the yearly rent hereinafter reserved, the said A. B. doth hereby grant, demise
 and lease unto the Field Wardens of the said parish of and
 their successors, all [*here describe the lands*], together with all rights, easements and
 appurtenances to the said premises belonging, to have and to hold the same unto the
 said Field Wardens and their successors, for the term of Twenty-one years from the
 day of the date hereof, yielding and paying yearly unto the said A. B., his heirs
 and assigns, the clear yearly rent of £. by two equal half-yearly payments, on the
 day of and the day of in every year; and the said
 Field Wardens do hereby, for themselves and their successors, covenant, that they
 will from time to time, during the said term, pay unto the said A. B., his heirs and
 assigns, the said rent of £. and also that they will pay all taxes, rates, dues and
 duties whatsoever, Parliamentary or parochial, except the land-tax [and all rent-charge in
 lieu of tithes],* which shall during the said term be payable in respect of the said
 lands and premises. In witness, &c.

* The words within brackets to be omitted if tithe rent-charge to be paid by lessor.

Field Gardens.

A

B I L L

[AS AMENDED BY THE COMMITTEE, ON RE-
COMMITMENT, AND ON REPORT]

To promote the letting of Field Gardens to
the Labouring Poor.

(Prepared and brought in by
*Mr. Couper, Mr. William Miles,
and Mr. Aglionby.*)

*Ordered, by The House of Commons, to be Printed,
3 July 1845*

438.

Under 2 oz.

